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federal register

THURSDAY, NOVEMBER 10, 1977

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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

Note: As of Nov. 3, 1977, Food Safety and Quality Service (USDA) documents are being assigned to the Tuesday/Friday schedule.

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

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1090 ... 57127, 58531

PROPOSED RULES:

391 ... 57488
395 ... 58418
571 ... 58545
575 ... 57979
580 ... 58546
581 ... 57979

50 CFR

32 ... 57692, 57693, 58531
33 ... 58411
651 ... 58412

PROPOSED RULES:

17 ... 57329, 57492
216 ... 58418

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presidential documents

[3195–01]

Title 3—The President

Executive Order 12020 • November 8, 1977

Payment of Educational Benefits to Veterans and Dependents When Schools are Temporarily Closed To Conserve Energy

By virtue of the authority vested in me by clause (A) of Section 1780(a) of Title 38 of the United States Code, and as President of the United States of America, in order to establish a national policy in regard to payment of educational benefits to veterans and their dependents during periods in which schools are closed to conserve energy, it is hereby ordered as follows:

SECTION 1. Whenever an educational institution submits evidence which satisfies the Administrator of Veterans' Affairs that energy consumption will be abnormally high during the winter months or that available energy supplies will be inadequate to meet the needs of the school, and that, in the interest of energy conservation, the institution plans to close between semesters or terms for a period not to exceed 45 days, the Administrator may continue to pay monthly educational assistance benefits to veterans and eligible persons enrolled in such schools. Such authority may be exercised only once during any 12-month period with respect to any educational institution.

SEC. 2. The Administrator shall advise veterans and other eligible persons of the effect of accepting educational assistance benefits under the provisions of Section 1 of this Order on their period of entitlement.

Jimmy Carter

THE WHITE HOUSE,
November 8, 1977.

[FR Doc.77–32768 Filed 11–8–77;4:20 pm]

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Avocado Reg. 19, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises the maturity requirements for Booth 8 avocados to allow 1-week earlier shipment on and after November 7 than is now permitted. Maturity studies indicate this variety will reach general maturity sooner than previously anticipated. Specified weight or diameter and picking date are maturity indices needed to assure that avocados will ripen satisfactorily after picking.

EFFECTIVE DATE: November 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement, and Order No. 915, (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the marketing order, and upon other information, it is found that the maturity requirements specified in this amendment will tend to effectuate the declared policy of the act.

(2) It is further found that it is impracticable, and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves handling restrictions on the specified avocado variety.

Order. In § 915.319 (Avocado Regulation 19; 42 FR 27210; 51605; 54556) that portion of subparagraph (a)(7) applicable to the Booth 8 variety, is revised to read as follows:

(a)(1) * * *

(7) No handler shall handle any Booth 8 variety avocados prior to 9-12-77, and during the following periods no handler shall handle any such avocados unless the individual fruit meet the applicable minimum weights or diameters specified as follows: (i) 9/12/77-10/2/77 16 oz. or $3^9/_{16}$ inches, (ii) 10/3/77-10/16/77 12 oz. or $3^3/_{16}$ inches, (iii) 10/17/77-11/6/77 10 oz. or $3^1/_{16}$ inches.

* * * * *

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

Dated November 4, 1977, to become effective November 4, 1977.

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

[FR Doc.77-32575 Filed 11-9-77;8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17044; Amdt. 39-3075]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation, Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires replacement of total-pressure probes and imposes a life limitation upon their use in service when installed on certain Avions Marcel Dassault-Breguet, Model Falcon 10 airplanes. The AD is needed to prevent failure of the total-pressure probes and the consequent failure of the ice-protection provisions of the airspeed indicating system which could result in unsafe operation of the airplane in atmospheric icing conditions.

DATES: Effective December 10, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Falcon Jet Corp., Teterboro Airport, N.J. 07608.

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

FOR FURTHER INFORMATION CONTACT:

M. E. Gaydos, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513. 38. 30.

SUPPLEMENTARY INFORMATION: There have been reports of failure of the internal tubing of the Badin Crouzet total-pressure probes, P/N 33790-10, attributed to thermal fatigue, which resulted in failure of the ice-protection provisions of the airspeed indicating system installed on certain Avions Marcel Dassault-Breguet Aviation, Model Falcon 10 airplanes. Such failure could jeopardize safe operation of the airplane in atmospheric icing conditions.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the probes and imposing a life limitation upon their use in service was published in the FEDERAL REGISTER at 42 FR 37824, on July 25, 1977.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

AVIONS MARCEL DASSAULT-BREGUET AVIATION (AMD-BA). Applies to Model Falcon 10 airplanes, S/N 1 through 56, certificated in all categories, and any other Model Falcon 10 airplanes incorporating Badin Crouzet total-pressure probes, P/N 33790-10.

Compliance is required as indicated.

To prevent failure of total-pressure probe accomplish the following:

(a) Prior to the accumulation of 600 total airplane flights or within the next 100 flights after the effective date of this AD, whichever occurs later, replace both total-pressure probes, P/N 33790-10, with new parts of the same part number, or with probes of improved design, P/N 33790-20, in accordance with paragraph 2 of Falcon 10 Service Bulletin No. F10.34.007, dated July 17, 1975, or an equivalent approved by the Chief, Aircraft Certification Staff for Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

(b) Replacement probes P/N 33790-10 are hereby life limited to 600 flights.

(c) For the purpose of this AD, a flight is defined as a single takeoff and landing. If records are not maintained of each takeoff and landing, the number of flights may be determined by dividing each airplane's hours

time in service by the operator's fleet average time from takeoff to landing for the airplane type, subject to acceptance by the assigned FAA airworthiness inspector.

This amendment becomes effective December 10, 1977.

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

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

Issued in Washington, D.C., on October 31, 1977.

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

[FR Doc.77-32237 Filed 11-9-77;8:45 am]

[4910-13]

[Docket No. 7-GL-2; Amdt. 39-3073]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Model D2AF34C65-() and D2AF34C81-() Series Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires periodic inspection of the McCauley D2AF34C65-() and D2AF34C81-() series propellers. The AD is needed to detect cracks and prevent failures of hubs which could result in separation of the blade(s). Since this condition is likely to exist or develop in other propellers of the same design, the airworthiness directive requires periodic inspection of the propeller hubs for fatigue cracking, until replaced by McCauley oil-filled hubs containing a dyed oil crack detection system.

DATES: Effective—November 15, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Information relating to the service documents referenced in the body of the AD may be obtained from McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Henry L. Weiss, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. Telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the McCauley D2AF34C65-(2) and D2AF34C81-() series propellers was published in the FEDERAL REGISTER (42 FR 6598), February 3, 1977. The proposal which requires periodic inspection of the affected propeller hubs was issued in conjunction with the National Transportation Safety Board's (NTSB) Recommendations of September 21, 1976. These Safety Recommendations were based in part on NTSB's Metallurgical Laboratory examination of several failed hubs, including a Model D2AF34C81-XM propeller containing certain design improvements intended to decrease fatigue type failures. Therefore, the FAA has determined that an additional safeguard will be provided by the introduction of a red-dyed oil into the hub which will warn the operator of hub cracking. The repetitive inspections of such hubs are no longer required, if they are modified to or replaced by McCauley oil-filled hubs.

Although no comments have been received about the proposal to date some minor changes were adopted in the new airworthiness directive. Namely, the applicable propeller model designations were amplified and clarified by a footnote, and the phrase "Federal Aviation Administration approved revisions," was added following the references to McCauley Service Bulletins and Manuals.

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

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are H. L. Weiss, Flight Standards Division, Great Lakes Region, and J. T. Brennan, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

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

MCCAULEY PROPELLERS. Applies to the following Model D2AF34C65-() and D2AF34C81-() series propellers installed on but not limited to Cessna Model 310J, E310J, 310K, 310L, and 310N aircraft.

D2AF34C65	D2AF34C81
D2AF34C65-A	D2AF34C81-A
D2AF34C65-F	D2AF34C81-F
D2AF34C65-J	D2AF34C81-J
D2AF34C65-K	D2AF34C81-K
D2AF34C65-L	D2AF34C81-L
D2AF34C65-M	D2AF34C81-M
D2AF34C65-N	D2AF34C81-N
D2AF34C65-XM	D2AF34C81-XM
D2AF34C65-AM	D2AF34C81-AM
D2AF34C65-FM	D2AF34C81-FM
D2AF34C65-JM	D2AF34C81-JM
D2AF34C65-KM	D2AF34C81-KM
D2AF34C65-LM	D2AF34C81-LM
D2AF34C65-NKM	

NOTE.—()—Parenthesis following hub model designations cited herein, indicate change letters stamped at the end of model designations. Some models have one or more letters, others have none.

Compliance required as indicated, unless already accomplished. To detect propeller hub cracks and prevent possible failure, accomplish the following:

(a) Model D2AF34C65, D2AF34C65-A, D2AF34C65-F, D2AF34C65-J, D2AF34C65-K, or D2AF34C65-L, and D2AF34C81, D2AF34C81-A, D2AF34C81-F, D2AF34C81-J, D2AF34C81-K, or D2AF34C81-L propellers.

(1) Propeller hubs with less than 500 hours time in service, inspect in accordance with paragraph (c)(1) within 525 hours total time and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(2) Propeller hubs with 500 or more but less than 1,200 hours time in service, inspect in accordance with paragraph (c)(1) within the next 25 hours time in service after the effective date of this AD and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(3) Propeller hubs with 1,200 or more hours time in service, or whose total time in service in unknown, inspect in accordance with paragraph (c)(2) within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(b) Model D2AF34C65-XM, -AM, -FM, -JM, -KM, -LM, -M, -N, or -NKM, and D2AF34C81-XM, -AM, -FM, -JM, -KM, -LM, -M, or -N propellers.

(1) Propeller hubs with less than 1,200 hours time in service, inspect in accordance with paragraph (c)(2) within 1,250 hours total time in service and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(2) Propeller hubs with 1,200 or more but less than 1,800 hours time in service, inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 300 hours, and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(3) Propeller hubs with 1,800 hours or more time in service or whose total hours in service are unknown inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(c) Action required.

(1) Inspect all external surfaces of propeller hub for cracks by dye penetrant

method. Replace before further flight any cracked hub with an oil-filled Model D2AF34 C65- XMO, -AMO, -FMO, -JMO, -KMO, -LMO, -MO, -NO, -NKMO, -O; or D2AF34 C81 -XMO, -AMO, -FMO, -JMO, -KMO, -LMO, -MO, -NO, or -O oil-filled hub as applicable in accordance with McCauley Service Bulletin No. 125 dated February 15, 1977, and Service Manual No. 710930, or later Federal Aviation Administration approved revisions.

(2) Remove propeller from aircraft and disassemble to allow complete inspection of hub. Inspect all external and internal hub surfaces including retention threads for cracks using dye penetrant method in accordance with McCauley Service Letter 1974-3 dated March 29, 1974, or later Federal Aviation Administration approved revisions. Replace before further flight any cracked hub with a Model D2AF34C65 or D2AF34C81 series oil-filled hub as in paragraph (c)(1).

(d) Exemption. The foregoing inspections may be discontinued after replacement of Model D2AF34C65-() or D2AF34C81-() series hubs with McCauley oil-filled hubs as in paragraph (c)(1).

(McCauley Service Bulletin No. 88 and Cessna Service Letters ME-77-11, ME-77-10, and SE-77-4 also pertain to this subject.)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective: November 15, 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 Des Plaines, Ill., on October 27, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of Federal Register on June 19, 1967.

[FR Doc.77-32235 Filed 11-9-77;8:45 am]

[4910-13]

[Docket No. 77-EA-38; Amdt. 39-3074]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) amends AD 77-08-02 applicable to Piper PA-31, 31-300, 31-325, 31-350, 31-P, and 31-T, type airplanes. It has been determined that subsequent to the issuance of AD 77-08-02 the rule included aircraft which did not have the relay which was causing the problem. This directive restricts the applicability of AD 77-08-02 to aircraft known to have relays and includes a test to determine the applicability to other aircraft.

EFFECTIVE DATE: November 15, 1977.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of the service bulletin is contained in the docket in the Office of Regional Counsel, FAA, Eastern Region, Jamaica, New York.

FOR FURTHER INFORMATION CONTACT:

W. White, Systems & Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3372.

SUPPLEMENTARY INFORMATION: AD 77-08-02 was issued to correct a situation whereby the relay could loosen (through vibration) from its mounting bracket. This, then enabled the 28V pin on the relay coil to short against the mounting bracket creating a fire hazard. However, a case was reported of attempting to comply, only to find that there was not a relay used on that particular model aircraft. This rule will restrict the applicability of the AD to aircraft known to have the relay and include a test to determine the applicability of the AD to other aircraft. In view of a relaxation of the AD, notice and public procedure hereon are unnecessary and good cause exists for making the rule (AD) effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are W. White, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending and revising AD 77-08-02, as follows:

Applies to PA-31, PA-31-300 and PA-31-325, S/Nos. 31-752 through 31-7712010; PA-31-350, S/Nos. 31-5001 through 31-7752028; PA-31P, S/Nos. 31P-67 through 31P-7730001; PA-31T, S/Nos. 31T-7400002 through 31T-7720008.

Compliance required within the next 50 hours in service after the effective date of this AD unless already accomplished. To avoid an electrical short between the Pilot/Copilot Microphone and Phone Jack Relay and mounting bracket, comply as follows:

(a) Key both the pilot and copilot microphone at the same time. If you can transmit through the pilot's microphone, the subject relay is not installed in the aircraft and no further action is required.

(b) If the relay is installed, comply with the "Instructions" paragraph of Piper Service Bulletin No. 526A, dated July 25, 1977, or with an approved equivalent method.

Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, who must also approve equivalent methods of compliance.

Effective Date: This amendment is effective November 15, 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 Jamaica, New York, on November 1, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-32615 Filed 11-9-77;8:45 am]

[4910-13]

[Docket No. 77-SO-52; AMT. No. 39-3071]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA-28, PA-32 and PA-34 Series Airplanes

AGENCY: Federal Aviation Administrastration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires inspection and replacement as necessary of engine control rod end bearings on certain Piper Model PA-28-140, PA-28-151, PA-28-161, PA-28-180, PA-28-181, PA-28-235, PA-28R-180, PA-28R-200, PA-28R-201, PA-28R-201T, PA-32-260, PA-32-300, PA-32R-300, PA-34-200, and PA-34-200T airplanes. The FAA has found that certain engine control rod end bearings are adversely affected by cold weather. The bearings become extremely tight which prevents normal control movements.

DATES: Effective date: November 14, 1977. Compliance date: Within the next 25 hours time in service after the effective date of this A.D.

ADDRESSES: Copies of Piper Service Bulletin 548 may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 17745. Copies of Piper Service Bulletin 548 are maintained in the A.D. Docket File and may be examined in Room 264, Federal Aviation Administration Southern Region, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, ASO-214, Propulsion Section Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone: 404-763-7435.

SUPPLEMENTARY INFORMATION: There has been a report of a malfunction of a throttle control rod end bearing on a Piper PA-28-140 airplane that resulted in an accident. Contraction due to exposure to extremely low temperatures caused the rod end bearing to bind in the closed throttle position. Since this condition is likely to exist or develop in other airplanes of the same type design, 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 Gil Carter, Flight Standards Division, and Richard Lewis Faber, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

PIPER CORP. Applies to Model PA-28-140 serial numbers 28-25001 through 28-7725172; Model PA-28-151 serial numbers 28-7415001 through 28-7615435; Model PA-28-161 serial numbers 28-7716001 through 28-7716071; Model PA-28-180 serial numbers 28-5153 through 28-7505260; Model PA-28-181 serial numbers 28-7690001 through 28-7790363; Model PA-28-235 serial numbers 28-7310001 through 28-7710016; Model PA-28R-180 serial numbers 28R-30737 through 28R-7130013; Model PA-28R-200 serial numbers 28R-35001 through 28R-7635512; Model PA-28R-201 serial numbers 28R-7737001 through 28R-7737023; Model PA-28R-201T serial numbers 28R-7703001 through 28R-7703043; Model PA-32-260 serial numbers 32-1111 through 32-7700013; Model PA-32-300 serial numbers 32-40566 through 32-7740040; Model PA-32R-300 serial numbers 32R-7680001 through 32R-7780215; Model PA-34-200 serial numbers 34-7250001 through 34-7450220; and Model PA-34-200T serial numbers 34-7570001 through 34-7770163, airplanes certificated in all categories.

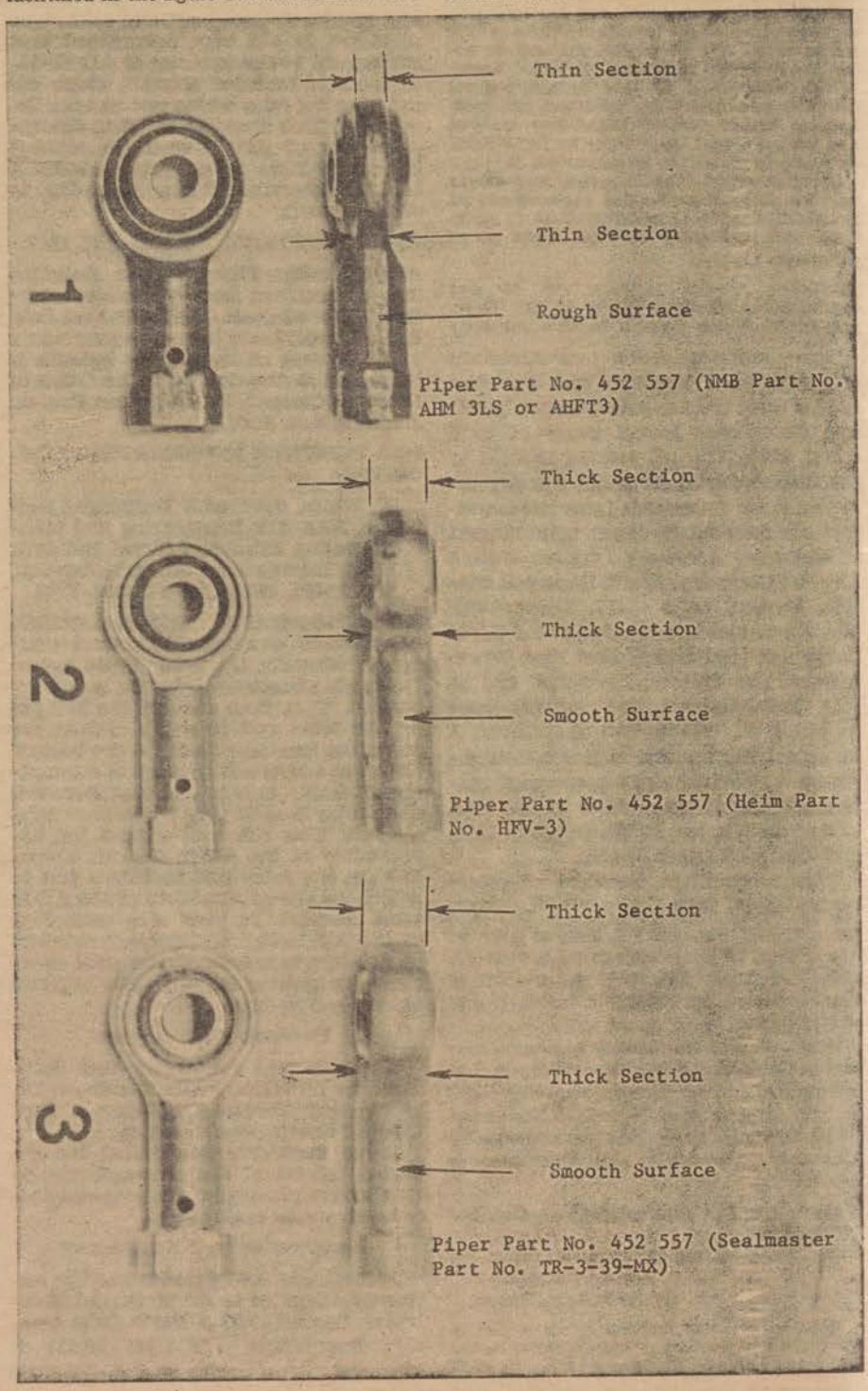
To prevent a power loss due to thermal contraction binding a control rod end, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this A. D., unless already accomplished, perform the following check:

(1) Gain access to the engine by opening or removing the cowling as required to check the engine control rod and bearings in the engine compartment.

(2) Check the rod and bearings attached to the Mixture, Throttle, and Prop Governor (if applicable) Control Cables. (Refer to the picture below.) (i) If a rod end bearing, as identified in the figure below as number two (2) (Brass Ball Retainer) or as number three (3) (Silver Ball Retainer) is installed, then no further action is required. Make appropriate log book entry.

(ii) If a rod end bearing, as identified in the figure below as number one (1) with a raised ball retainer is installed, have it removed and replaced with an approved serviceable bearing which is identified in the figure below as number two (2) or number three (3). Refer to the appropriate Piper Service Manual for replacement and rigging instructions.



(b) An alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

The checks in this A. D. may be accomplished by the pilot and appropriate log book entries made in accordance with FAR 91.173. Replacement and rigging must be accomplished by a person authorized by FAR 43.3.

This amendment becomes effective November 14, 1977.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, and 1423); Section 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 East Point, Ga., on October 27, 1977.

GEORGE R. LA CAILLE,
Acting Director, Southern Region.

[FR Doc.77-32405 Filed 11-9-77;8:45 am]

[4910-13]

[Docket No. 17056; Amdt. 39-3076]

PART 39—AIRWORTHINESS DIRECTIVES

Scottish Aviation, Ltd. Model B.206 Series 1 and Series 2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which establishes a service life limit for certain major parts of Model B.206 Series 1 and Series 2 airplanes to prevent possible structural failure of these parts due to fatigue.

DATES: Effective December 10, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Scottish Aviation, Ltd., Product Support Department, Prestwick Airport, Prestwick, Scotland KA9 2RW. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

R. A. Gambrill, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive establishing a service life limit for certain major parts of Scottish Aviation, Ltd., Model B.206 Series 1 and Series 2 airplanes was published in the FEDERAL REGISTER at 42 FR 38389 on July 28, 1977. The proposal was prompted by the FAA's determination that the outer wing, wing center section, and empennage assemblies on the Model B.206 Series 1 and Series 2 airplanes are service life limited and that exceeding the service lives specified in this AD could result in in-flight fatigue failure of a component part with catastropic results.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

DRAFTING INFORMATION

The principal authors of this document are R. A. Gambrill, Europe, Africa, and Middle East Region, J. J. Presba, Flight Standards Service, and K. May, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

SCOTTISH AVIATION, LTD. (Formerly Beagle Aviation, Ltd.) Applies to Beagle Model B. 206 Series 1 and Series 2 airplanes, certificated in all categories. Compliance is required as indicated.

To prevent possible fatigue failure of the outer wing, wing center section, and empennage assemblies, accomplish the following:

(a) Prior to the accumulation of 11,000 hours total time in service on the outer wing, wing center section, or empennage assemblies, replace the affected assembly with an assembly of the same part number, or a part number approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, which has accumulated less than 11,000 hours total time in service.

(b) Operators who have not kept records of hours of time in service on any assembly to which a provision of this AD applies shall substitute airplane hours time in service in lieu thereof.

(Scottish Aviation, Ltd., Mandatory Service Bulletin No. B206/54, dated October 21, 1975, covers the same subject.)

This amendment becomes effective December 10, 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) of the 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 Washington, D.C., on October 31, 1977.

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

[FR Doc.77-32236 Filed 11-9-77;8:45 am]

[1505-01]

[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

Correction

In FR Doc. 77-30299 appearing on page 55884 in the issue for Thursday, October 20, 1977, in the SUMMARY paragraph, the 6th line, the word "chartered" should read "charted".

In the paragraph FOR FURTHER INFORMATION CONTACT, the 2nd line should read, "[Regula-]tions Branch (AAT-230), Airspace".

In the 3rd column, § 71.163 [Amended] should read as follows:

GULF OF ALASKA

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., to Lat. 59°27'00" N., Long. 140°00'00" W., thence westward 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.

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Docket 29926; Regulation SPR-139, Amdt. 14]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTER

Elimination of Advance Purchase Requirement

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: These rules amend the Board's regulations concerning One-stop-inclusive Tour Charters (OTCs) by eliminating the advance purchase requirement. This action is in response to rulemaking petitions filed by two OTC tour operators.

DATES: Effective: November 3, 1977; Adopted: November 3, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The One-stop-inclusive Tour Charter (OTC) rules, set forth in Part 378a of the Board's Special Regulations (14 CFR Part 378a), require that participants purchase their tour at least 15 days prior

to departure for destinations in North America, and at least 30 days before departure for all other destinations. Neither substitutions for canceling passengers nor additional sales may be made after the end of this advance purchase period.

Petitions to modify certain restrictions of the advance booking requirement were filed by Charter Travel Corporation (CTC), and by Nationwide Leisure Corporation (NLC), both OTC operators. In response to these petitions, the Board consolidated the requests into Docket 29926, and issued Notice of Proposed Rulemaking SPDR–56, dated February 24, 1977 (42 FR 12066), proposing to allow substitutions until the time of departure, but limited to 15 percent of the seats contracted for by the tour operator. The notice also specifically invited comment on the question whether the advance purchase period should be eliminated, and, if so, whether the OTC and the Inclusive Tour Charter (ITC) should be consolidated into one simplified type of tour charter. Numerous comments and reply comments were filed in response to the notice, as listed in Appendix 1.[1] Two open meetings (July 21 and September 8, 1977) were held by the Board to discuss and decide this matter.[2]

Upon consideration of the petitions, comments and all relevant matters, the Board has decided to eliminate the advance purchase requirement for the OTC. All requests contained in the comments are denied unless specifically granted.

The Board, through its charter regulations, has attempted to encourage low-cost air transportation for the traveling public, consistent with the maintenance of dependable, regularly scheduled service. Charter service and scheduled service generally appeal to two different types of passenger markets. The scheduled service market is time-sensitive, with a large proportion of business travelers and other passengers who need regular, dependable flights. The charter market appeals more to discretionary travelers who are able to plan in advance and in some cases to risk changes in their plans. Restrictions on charter flights have served both to maintain the distinction between charter and individually ticketed service, and to limit the diversion of passenger traffic from scheduled services. Although some diversion may occur if the charter rules are liberalized, the relevant question is whether such diversion results in scheduled service on a particular route being so reduced that it no longer serves the convenience of the public wishing to use it.

Six comments presented arguments opposing elimination of the advance purchase requirement. Northwest Airlines, American Society of Travel Agents, Frontier Airlines, and United Air Lines (United) each expressed concern that the deletion of this restriction will cause an undue diversion from scheduled services. Certain Trunkline Carriers (Trunklines)[3] argued that the OTC regulations have not been in effect long enough to allow the Board to reach any conclusions about their impact on scheduled services. They asserted that even though the scheduled carriers have so far been able to maintain scheduled service adequate to the public demand, despite competition from the OTC and the Advance Booking Charter (ABC), the Board still has an obligation to review the most recent data thoroughly before making such a significant alteration in the OTC regulations.

British Airways compared the restrictions on the OTC that would remain after adoption of the proposed amendment to those of the most competitive available scheduled fares, and concluded that the OTC is now more liberal, as well as less expensive, than competitive fares offered by the scheduled carriers, thereby rendering low-cost travel on scheduled service obsolete.[4]

According to the comments of tour operators and consumer representatives, the advance booking requirement, while protecting the scheduled services, at the same time has caused several severe difficulties in the OTC market. They argued that by not permitting sales after the advance booking period, even where passengers must cancel because of a personal hardship, such as illness or a death in the family, this rule has contributed to numerous flight cancellations. In order to protect his investment in those charter seats already contracted for, the tour operator usually imposes a substantial cancellation fee on the passenger, which, it was argued, often inhibits participation in an OTC. The only alternative, claim the tour operators, is to raise the overall price of the charter, thereby diminishing their attractiveness relative to competing discount scheduled fares. Thus, these commenters argued, the public acceptability of the OTC has been impaired, and consumer dissatisfaction has been increasing.

Trunklines contended to the contrary that the OTC has become firmly established as a means of low-cost air transportation, and is a significant factor in many markets. According to these scheduled carriers, consumer discontent may simply be the result of failure by the tour operator clearly to inform the passenger of the risks and remedies involved in a charter flight, rather than of the advance purchase rule itself. British Airways also claimed that the majority of cancellations are by late-booking passengers who have not yet paid the tour price, and are for reasons which are insurable using the trip insurance offered by many tour operators.

The Board disagrees with the scheduled carriers. The prohibition on sales after the advance purchase has certainly, to some degree, inhibited the acceptability of the OTC since either cancellation fees are imposed on the canceling passenger, or the price of the charter itself is raised. A review of the comments shows that the advance booking rule is the root of this problem. Merely permitting substitutions or additional sales, or reducing the time period of the rule, would only partially solve these difficulties. Under that more limited proposal, operators would have been required to refund the tour price (minus a maximum $25 administrative fee) whenever a substitute is found for a passenger who cancels. By eliminating the advance purchase rule, the whole issue of substitution is made moot. The question of refunds to canceling participants will be sharply affected by this action, however, and the Board finds it preferable to take no action at this time in that area.

The Trunklines argued that the advance purchase requirement is necessary to the legal distinction between the OTC, as a charter service, and individually ticketed service. They stated that although the ITC does not require advance booking, the more restrictive itinerary and pricing requirements of that charter type distinguish it as a charter service in a way that is possible

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[1] On April 13, 1977, counsel on behalf of Carefree Travel/Del E. Webb World Travel Company/Elkin Tours/NLC verbally requested permission to file late comments, and on April 18, 1977, the Office of Consumer Affairs, Department of H.E.W., filed a written Request to File Late Comments. For good cause shown, both requests are granted. On July 19, 1977, Vacation Ventures/Carefree Travel filed a Motion to Late File Comments, and on July 20, 1977, CTC and Anne Storch International—ASTI Tours each filed a Motion for Leave to File Amendment to Comments. For good cause shown, these three motions are also granted. Duncan Travel Service filed a Supplement to Comments on August 17, 1977.

[2] On July 21, 1977, Howard S. Boros sent a letter to the Chairman of the Board commenting on statements made by Board staff during the open meeting discussion on the same date. Section 310b.9(c) of our Procedural Regulations (14 CFR § 310b.19(c)) states that motions, pleadings, or other documents based on the comments of Board Members or staff at open discussions shall not be accepted by the Board. The letter has, though, been placed in the correspondence section of the docket. After the first open meeting, Member Carriers of the National Air Carrier Association (Overseas National Airways, Trans International Airlines, and World Airways) (NACA) filed a Motion for Expedited Action. Answers of David Travels/GWV Travel/OTC Tours and Pleasant Hawaiian Holidays/Unitours were filed in support. Certain Trunkline Carriers (American Airlines, Braniff Airways, Eastern Air Lines, National Airlines, Pan American World Airways, Trans World Airlines, and Western Air Lines) filed an answer in opposition. Due to the decision of the Board at its meeting on September 8, 1977, the motion is dismissed as moot.

[3] Participating in these comments are: American Airlines, Braniff Airways, Eastern Air Lines, National Airlines, Pan American World Airways, Trans World Airlines, and Western Air Lines.

[4] Of course, since the filing of this comment, there have been dramatic reductions in the competitive scheduled fares, which seriously threaten the viability of OTC's. See e.g., Order 77–7–29 (July 11, 1977), Order 77–9–15 (September 2, 1977).

for the OTC only if the advance purchase requirement is retained. They further argued that while the ABC allows limited substitutions after the advance purchase deadline, it also requires the purchase to be made farther in advance than does the OTC, and in that way preserves the necessary legal distinction from individually ticketed service. They noted that the Board rejected similar requests by the supplementals and the tour operators to forego an advance booking requirement when the OTC was adopted.

The Board disagrees with the Trunklines' argument that an advance purchase rule is legally essential to define the OTC as a charter service. In the recent decision upholding the validity of the OTC rule, the Court clearly states that the Board is free to define charter service according to experience and changing circumstances,[5] and that no single restriction is determinative of the "charter" concept.

Section 378a.30 states that the tour operator may not cancel the tour on grounds of inadequate participation after the passenger list has been filed with the Board at the end of the advance booking period. The Board is aware of the problems and complaints in this regard with the ITC, which does not have this consumer protection provision, and has decided that it should be retained in the OTC rule. Since the differing advance booking periods for European and other charters are being eliminated, a 15-day restriction will apply to all charters. The amended rule, therefore, continues to require that the participant contract state that the tour operator shall have no right to cancel the tour on grounds of inadequate participation less than 15 days before departure.

Several of the parties commenting on the Board's proposal recommended that if the advance purchase rule is eliminated, the ITC rules should also be revoked. At this time, it believes that it is better to evaluate the operation of the liberalized OTC before taking this step.

In their answer, dated September 7, 1977, to NACA's Motion for Expedited Action, the Trunklines argued that although the Board requested comment on the possible elimination of advance booking requirements in its notice of proposed rulemaking, the Board did not actually make such a proposal, and therefore must issue a supplemental notice of proposed rulemaking.

The Board does not agree. The Administrative Procedure Act, 5 U.S.C. 553, requires an agency, in a rulemaking proceeding, to give notice of either the terms or substance of the proposed rule, or a description of the subjects and issues involved. Notice of Proposed Rulemaking SPDR-56, although it did not set out language of revocation, specifically discussed and invited comments on the issue of revoking the advance booking requirement. Each of the 38 comments filed in response to the notice discussed the issue and made recommendations. The Board therefore concludes that its description of the issues involved was ample to satisfy the statutory requirement.

On July 28, 1977, United filed a petition for rulemaking (Docket 31208) asking the Board to retain the 15-day advance purchase requirement for North American OTC's beyond October 1, 1978, rather than reducing it to 7 days as stated in the regulations. Answers were filed by Charter Travel Corporation, Duncan Tours, Del E. Webb World Travel Co./Elkin Tours, and Certain Trunkline Carriers (American Airlines, Braniff Airways, National Airlines, Pan American World Airways, Trans World Airlines, and Western Air Lines). Due to the decision embodied in this final rule, eliminating the entire advance purchase requirement for all OTCs, United's petition is now moot, and is denied.

The Board finds that because this amendment removes a restriction, and the public will benefit from putting the rule into effect without delay, good cause is shown to make it effective immediately.

Accordingly 14 CFR Part 378a is amended as follows:

1. Amend the Table of Contents by revoking and reserving § 378a.41 of Subpart D, and by revoking and reserving Appendix B, as follows:

Subpart D—Requirements Applicable to Direct Air Carriers

Sec.

* * * * *

378a.41 [Reserved].

* * * * *

APPENDIX B [RESERVED]

* * * * *

2. Amend paragraph § 378a.10(f) to read as follows:

§ 378a.10 One-stop-inclusive tour charter general requirements.

* * * * *

(f) Passengers transported on the charter flight shall consist solely of members of the tour group as defined in § 378a.2, (including travel agents being carried in accordance with § 378a.14) or persons authorized to occupy unused charter space in accordance with § 378a.13.

* * * * *

3. In § 378a.25, delete paragraphs (c) and (d), and amend § 378a.25(b) to read as follows:

§ 378a.25 Operating authorization of tour operators.

* * * * *

(b) Not later than the scheduled date of departure, the tour operator shall transmit to the direct air carrier(s): (1) a statement of the tour operator affirming that each participant has entered into a contract with the operator as provided in this part, and (2) a statement of the depository bank, if any, affirming that it has received a deposit of the total charter price payable to the direct air carrier(s).

(c) and (d) [Deleted].

* * * * *

4. Amend paragraph § 378a.30(c) to read as follows:

§ 378a.30 Contract between tour operator and tour participants.

* * * * *

(c) That after 15 days before departure of the charter flight, the tour operator shall have no further right to cancel the tour on grounds of inadequate participation, but describing the right to refunds in the event of the charter's cancellation on any other grounds or contingencies set forth in the contract, and the procedure for obtaining such refunds;

* * * * *

§ 378a.41 [Reserved]

5. Revoke and reserve § 378a.41.

6. Revise § 378a.45 to read as follows:

§ 378a.45 Record retention.

A direct air carrier shall retain a copy of each document that it has received from the charter operator pursuant to § 378a.25 at its principal office within the United States for a period of 2 years, except that if the direct air carrier does not maintain an office in the United States, it shall return the documents transmitted to it pursuant to § 378a.25 to the Bureau of Enforcement within 7 days of performing the flight to which those documents pertain.

7. Revoke and reserve Appendix B.

APPENDIX B [RESERVED]

(Secs. 101, 204, 401, 402, 407, 416 and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 766, 771, 797 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1502).)

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

COMMENTS—D. 29926

Duncan Travel Service
Pleasant Hawaiian Holidays/Unitours
Office of the Consumer Advocate, Civil Aeronautics Board
Member Carriers of the National Air Carrier Association (Evergreen International Airlines, Overseas National Airways, Trans International Airlines, World Airways)
British Airways
United Air Lines
Capitol International Airways
Carefree Travel/Del E. Webb World Travel/Elkin Tours/Nationwide Leisure Corp.
Aviation Consumer Action Project
American Express
Hawaiian Holidays
Condor Flugdienst GmbH
Charter Ventures
American Automobile Association
Moore Tours
American Institute for Foreign Study
Northwest Airlines
David Travels/GWV Travel/OTC Tours
Gogo International
Anne Storch International—ASTI Tours
Charter Travel Corp.
American Society of Travel Agents
Adventure Tours USA/Travel-Go-Round
United States Tour Operators Association

[5] *Trans World Airlines, Inc.* v. *Civil Aeronautics Board*, 545 F. 2d 771 (2nd Cir. 1976).

[6] Vice Chairman O'Melia filed partial concurrence and dissent.

Frank E. McLaughlin on behalf of the Office of Consumer Affairs, Department of HEW
Donald L. Pevsner, Attorney-at-Law
Merpati Nusantara Airlines
Tenholder Travel
Funway Holidays
Lincoln Tour Travel
Certain Trunkline Carriers (American Airlines, Braniff Airways, Eastern Air Lines, National Airlines, Pan American World Airways, Trans World Airlines, Western Air Lines)
Marie Matson, Travel Columnist
Vacation Ventures/Carefree Travel
Department of Transportation
Frontier Airlines

[FR Doc.77-32670 Filed 11-9-77;8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpoenas in Investigations

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change delegates to the General Counsel the power to issue subpoenas in disciplinary investigations.

EFFECTIVE DATE: November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Oliver J. Trytell, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3731.

SUPPLEMENTARY INFORMATION: Rule 2.7 of the Commission's Rules of Practice deals with the issuance of investigational subpoenas. The Commission has decided that it is appropriate for the General Counsel to investigate matters regarding standards of conduct and disbarment that arise under Section 4.1(e) of its Rules. Thus, this amendment specifically delegates to the General Counsel the power to issue subpoenas in investigations arising under Rule 4.1(e), and to handle specified matters tangential to the issuance.

Accordingly, 16 CFR 2.7 (a) and (b) are amended to read as follows:

§ 2.7 Subpoenas in Investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors, Deputy Directors, and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director, Deputy Director, Assistant Director, Regional Director, or Assistant Regional Director, who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith. Specifically, the subpoena power conferred by section 329 of the Energy Policy and Conservation Act (42 U.S.C. 6299) is included within this delegation. The General Counsel, pursuant to delegation of authority by the Commission, without power of redelegation, may issue investigational subpoenas for matters arising under Section 4.1(e) of these Rules. The General Counsel also may take all other action with regard to subpoenas as are described and delegated in this subsection.

(b) Any motion to limit or quash any investigational subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. All motions to limit or quash any investigational subpoenas shall be ruled upon by the Commission itself, but the above-designated Directors, Deputy Directors, Assistant Directors, Regional Directors, Assistant Regional Directors and the General Counsel are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash any investigational subpoenas.

* * * * *

(15 U.S.C. § 46(g); 15 U.S.C. § 49; Reorganization Plan No. 4 of 1961 (26 FR 6191).)

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-32535 Filed 11-9-77;8:45 am]

[6750-01]

[Docket No. 9052]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

New Rapids Carpet Center, Inc., Et Al.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction of final order.

SUMMARY: This document corrects FR Doc. 77-30792, appearing in the FEDERAL REGISTER issue of Friday, October 21, 1977 (42 FR 56108); In the matter of New Rapids Carpet Center, Inc., et al.

FOR FURTHER INFORMATION CONTACT:

Jack Dugan, Acting Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1207.

SUPPLEMENTARY INFORMATION: The following corrections are made:

Page 56108, right-hand column, line 35 "line 6" should read "line 5";

Page 56109, left-hand column, line 22, "items" should read "terms";

Page 56109, left-hand column, line 42, after the word "merchandise" insert the word "or";

Page 56110, left-hand column, line 15, after the word "copy" insert "of the summons or other document initiating the action".

[FR Doc.77-32613 Filed 11-9-77;8:45 am]

[4810-25]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Bunkering of Cuban Vessels and Fueling of Cuban Aircraft by Overseas Installations of United States Oil Companies

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control authorizes foreign firms owned or controlled by United States persons to bunker and supply Cuban vessels and to fuel Cuban aircraft. The need for the amendment is to remove the prohibition on such firms engaging in such activities so as to make treatment of such firms consonant with current licensing policy for foreign subsidiary trade with Cuba. The effect of the amendment is to lift the prohibition.

EFFECTIVE DATE: Nov. 3, 1977.

FOR FURTHER INFORMATION CONTACT:

George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 (202) 376-0428.

SUPPLEMENTARY INFORMATION: This rule amends the Cuban Assets Control Regulations by adding section 515.561 containing a general license. The purpose of the rule is to authorize foreign firms owned or controlled by United States persons to bunker and supply Cuban vessels and to fuel Cuban aircraft. Since this amendment relaxes existing restrictions and involves a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date are inapplicable.

The primary author of this amendment is Dennis M. O'Connell.

31 CFR Part 515 is amended by the addition of § 515.561 to read:

§ 515.561 Bunkering of Cuban Vessels and Fueling of Cuban Aircraft by American-owned or Controlled Foreign Firms.

Foreign firms owned or controlled by United States persons are authorized to engage in transactions ordinarily incident to the bunkering of vessels and to the fueling of aircraft owned or con-

trolled by, or chartered to, Cuba or nationals thereof.

(50 U.S.C. App. 5(b); 32 U.S.C. 2370(a); Executive Order 9193, 3 CFR 1943 Cum. Supp.; Treasury Department Order No. 128, 32 FR 3472.)

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-32710 Filed 11-9-77;8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-44]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Port of New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is disestablishing Anchorage Grounds, No. 49–C (explosives), Port of New York because this anchorage is no longer needed as an explosives anchorage.

EFFECTIVE DATE: This amendment is effective on December 12, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On March 1, 1976, the Coast Guard published a proposed rule (41 FR 8794) to amend the New York Harbor Anchorages. It was intended to disestablish Anchorage No. 49–C (§ 110.155(m)(1)) at that time. The final rule (41 FR 36018), published on August 26, 1976, inadvertently failed to include this change. Most of this anchorage is now incorporated in Anchorage No. 25. This explosives anchorage was established at the request of the U.S. Navy to service Naval vessels. Since U.S. Naval vessels were the only vessels authorized to use this anchorage and the U.S. Navy has recommended that the anchorage be disestablished, the Coast Guard has determined that it is unnecessary to go through the rulemaking requirements under 5 U.S.C. 553.

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

In consideration of the foregoing, § 110.155(m)(1) of Part 110 of Title 33 of the Code of Federal Regulations is revoked.

(Sec. 7, 39 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1), 80 Stat. 940, (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1)).

Dated: November 3, 1977.

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

[FR Doc.77-32644 Filed 11-9-77;8:45 am]

[3710-92]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Kuluk Bay & Bering Strait, Alaska; Naval Restricted Areas

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

ACTION: Final rule.

SUMMARY: The regulations establishing naval restricted areas at Kuluk Bay, Adak, Alaska, and Bering Strait, Alaska, are hereby amended with respect to enforcement responsibility for the restricted areas. The Alaska Sea Frontier Command and Seventeenth Naval District formerly charged with the enforcement of the restricted areas have been disestablished and the responsibilities for the areas have been reassigned.

EFFECTIVE DATE: November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202–693–5070 or write: Office of the Chief of Engineers, DAEN–CWO–N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: We have determined that notice of proposed rulemaking and public procedures thereto are impracticable and unnecessary as this action involves only an agency organizational matter. Accordingly, 33 CFR 207.802(b)(3) and 207.804 (b)(3) are revised as set forth below.

§ 207.802 **Kuluk Bay, Adak, Alaska; naval restricted area.**

* * * * *

(b) The regulations. * * *

(3) The regulations in this section shall be enforced by the Commander, Patrol Wing, U.S. Pacific Fleet, NAS Moffett Field, California, and such agencies as he may designate.

§ 207.804 **Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.**

* * * * *

(b) The regulations. * * *

(3) The regulations in this section shall be enforced by the Commander, Third Fleet, Pearl Harbor, Hawaii, and such agencies as he may designate.

NOTE.—The Department of the Army 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.

(40 Stat. 266; 33 U.S.C. 1.)

Dated: October 19, 1977.

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

[FR Doc.77-32612 Filed 11-9-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 812-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action incorporates into the New York State Implementation Plan a recently amended section of New York State's Environmental Conservation Law and a section of its Official Compilation of Codes, Rules, and Regulations. The unamended law and regulatory section were previously disapproved by the Environmental Protection Agency because they did not provide adequate legal authority to ensure for the public availability of air pollutant emission data. Public availability of data is required by Environmental Protection Agency regulations. Receipt of the revision request from New York State was announced in the FEDERAL REGISTER on July 25, 1977 on page 37830.

DATES: This approval action becomes effective November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212–264–2517.

SUPPLEMENTAL INFORMATION: Environmental Protection Agency (EPA) regulations require that State Implementation Plans (SIPs) contain adequate legal authority to ensure the public availability of air pollutant emission data.

A State submittal, dated February 14, 1977, requested EPA to revise the New York State Implementation Plan to include an appropriate State law and regulation. EPA announced receipt of this request and published a summary of the State's proposed revision in the July 25, 1977 issue of the FEDERAL REGISTER (42 FR 37830).

The proposed revision consists of Section 19–0305(2)(a) of New York State's

Environmental Conservation Law (ECL), as amended by Chapter 760, McKinney's 1975 Session Laws of New York, and also an opinion, dated January 27, 1977, by the Honorable Louis J. Lefkowitz, Attorney General of the State of New York, interpreting both the amended ECL and Part 200.2 of Title 6 of New York State's Official Compilation of Codes, Rules, and Regulatons (6 NYC RR 200.2). Prior to the amendment of ECL § 19-0305(2)(a), the Environmental Protection Agency had disapproved the inclusions of this law and 6 NYCRR 200.2 as parts of the SIP because they did not provide an adequate mechanism for public availability of emission data and did not give the State adequate legal authority to make emission data available to the public as required under EPA regulation.

On September 26, 1974, EPA promulgated 40 CFR 52.1685(a) and 40 CFR 52.-1686(a) (39 FR 34537). This action disapproved the inclusion as a part of the SIP of the New York State regulation and law pertaining to public access to emission data. A substitute federal regulation, 40 CFR 52.1685(b), was promulgated on November 28, 1975 (40 FR 55332). This action made public availability of emission data a matter subject to federal regulation.

Based on the New York State Attorney General's opinion and its own review, EPA now finds that ECL § 19-0305(2)(a), as amended, gives the State adequate legal authority to make emission data available to the public and that 6 NYCRR 200.2, when read in conjunction with the amended statute, also adequately provides for public availability of emission data. Therefore, both the amended statute, ECL § 19-0305(2)(a), and 6 NYCRR 200.2 are approved for incorporation into the New York State Implementation Plan. Furthermore, this action revokes 40 CFR 52.1685(a), 40 CFR 52.1685(b) and 40 CFR 52.1686(a) since Federal regulation no longer is necessary.

No comments were received from the public in response to the July 25, 1977 notice of proposed rulemaking.

This action is effective immediately since the State's statute and regulation are currently in effect and their approval will impose no additional burden on those affected.

Dated: November 3, 1977.

DOUGLAS M. COSTLE,
Administrator, Environmental Protection Agency.

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

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by adding new subparagraph (35) as follows:

§ 52.1670 Identification of plans.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(35) Revision submitted on February 14, 1977 by the New York State Department of Environmental Conservation consisting of Section 19.0305(2)(a) of New York State's Environmental Conservation Law (ECL), as amended by Chapter 760, McKinney's 1975 Session Laws of New York, and an opinion, dated January 27, 1977, by the Honorable Louis J. Lefkowitz, Attorney General of the State of New York, interpreting the amended ECL § 19-0305(2)(a) and Part 200.2 of Title 6 of the New York State Official Compilation of Codes, Rules, and Regulations (6 NYCRR 200.2). This revision provides for adequate State legal authority to ensure for public availability of air pollutant emission data as required under 40 CFR 51.10(e) and § 51.11(a)(6).

2. § 52.1685 is revoked and reserved.

§ 52.1685 [Reserved]

3. § 52.1686 is revoked and reserved.

§ 52.1686 [Reserved]

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

[FR Doc.77-32673 Filed 11-9-77;8:45 am]

[6560-01]

[FRL 781-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendment to Subpart O: Sewage Sludge Incinerators

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revises the applicability of the standard of performance for sewage sludge incinerators to cover any incinerator that burns wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants, or charges more than 1000 kg (2205 lb) per day municipal sewage sludge (dry basis). The State of Alaska requested that EPA revise the standard because incinerators small enough to meet the needs of small communities in Alaska and comply with the particulate matter standard are too costly, and land disposal is not feasible in areas with permafrost and high water tables. The intended effect of the revision is to exempt from the standard small incinerators for the combined disposal of municipal wastes and sewage sludge when land disposal, which is normally a cheaper and preferable alternative, is infeasible due to permafrost, high water tables, or other conditions.

DATES: This amendment is effective November 10, 1977, as required by § 111(b)(1)(B) of the Clean Air Act as amended.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: On January 26, 1977 (42 FR 4863), EPA published a proposed amendment to Subpart O of 40 CFR Part 60. An error in that proposal necessitated a correction notice that was published on February 18, 1977 (42 FR 10019). The proposed amendment exempted any sewage sludge incinerator located at a municipal waste treatment plant having a dry sludge capacity below 140 kg/hr (300 lb/hr), and where it would not be feasible to dispose of the sludge by land application or in a sanitary landfill because of freezing conditions. Prompting this amendment was a request by the State of Alaska which noted (1) the limited availability of small sludge incinerators which can meet the particulate matter standard, and (2) the difficulty of using landfills as an alternative means of sewage sludge disposal in some Alaskan communities because of permafrost conditions.

During the comment period on that proposal, four comment letters were received. Copies of these letters and a summary of the comments with EPA's responses are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. In addition, copies of the comment summary and Agency responses may be obtained upon written request from the Public Information Center (PM-215), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (specify Public Comment Summary: Amendment to Standards of performance for Sewage Treatment Plants).

One commenter requested that industrial sludge incineration also be exempted by this revision. Only incinerators which burn sludge produced by municipal sewage treatment plants are covered by Subpart O. Incineration of industrial sludges are not covered because they may involve special metal, toxic and radioactive waste problems which were not addressed by the original study for developing the standard.

Three other commenters questioned the applicability of the proposed amendment. One questioned the need for the proposed exemption, arguing that small incinerators with control devices sufficient to meet the existing particulate emission standard of 0.65 g/kg dry sludge input are commercially available and should be used. Two others recommended wording to broaden the proposed exemption. They suggested that the amendment as proposed is too restrictive, considering the conditions faced by small communities in Alaska. One noted that high water-table levels severely limit land disposal of sludge in many areas. The other made a similar comment but attributed the problem to high rainfall as well.

Based upon these comments, EPA reevaluated the need for the proposed exemption. EPA recognizes that at least one type of incinerator (the fluidized-bed type) can be constructed in size cat-

egories of less than 140 kg/hr (300 lb/hr) and with emission control equipment capable of achieving the existing standard. However, separate sludge disposal by an incinerator dedicated exclusively to sewage sludge is unduly costly for a small community. This conclusion is based on data contained in two EPA publications: A Guide to the Selection of Cost-Effective Wastewater Treatment Systems (EPA-430/9-75-002), and Municipal Sludge Management: EPA Construction Grants Program—An Overview of the Sludge Management Situation (EPA-430/9-76-009). Sludge incineration costs, especially those for operation and maintenance, were compared for sewage treatment plants of 1 and 10 million gallons per day (mgd) capacity. Costs for a 1 mgd plant (about 1000 kg of dry sludge per day) were 100 to 300 percent higher than those for a 10 mgd facility. A small, remote community which already incinerates its other municipal wastes would bear the heaviest burden if forced to incinerate its sewage sludge separately.

In most instances, neither municipal waste nor sewage sludge incinerators are constructed because land disposal is a more cost-effective alternative. The co-incineration of sewage sludge with solid waste should be a cost-effective and energy-efficient disposal alternative whenever land disposal options are not reasonably available. Since high water table levels, high annual precipitation, freezing conditions, and other factors limit or preclude the land application or sanitary landfilling of sludge, EPA has decided to broaden the exemption. Only freezing conditions were considered in the proposed exemption. However, an exemption based on these additional factors would be difficult to enforce due to climatic variability.

In order to make the exemption sufficiently broad and readily enforceable, EPA has decided to exempt incinerators that burn not more than 1000 kg per day of sewage sludge from municipal sewage treatment plants provided that the sewage sludge (dry basis) does not comprise, by weight, more than 10 percent of the total waste burned. The exemption provides relief only when sewage sludge is co-incinerated with municipal wastes, since any incinerator combusting more than 10 percent sewage sludge is affected by the emission standard regardless of the amount of sludge combusted. This approach, is based principally on the economics of sewage waste disposal and applies to any small community faced with very difficult land disposal conditions. It allows disposal of small quantities of sewage sludge in incinerators primarily combusting municipal refuse.

Currently, sludge incineration for small communities is 50 to 100 percent more costly per ton of dry sludge than land application or sanitary landfilling. Even though EPA is proposing criteria for landfill design and operation, the costs of incineration are expected to remain significantly higher. Thus, it is expected that this exemption will not cause a shift to incineration, but will only provide relief in areas where land disposal is either infeasible or very costly.

The purpose of the amendment is to relieve small communities (<9,000 population) of the burden of constructing separate incinerators for municipal wastes and sewage sludge in areas where land disposal is not feasible. Co-incineration of sewage sludge with solid wastes is less costly than separate sludge incineration and provides an energy benefit in lower auxiliary fuel consumption. Without this amendment, any co-incineration facility would have been considered a sludge incinerator under Subpart O.

Since sludge incineration costs decline as the quantities disposed of increase, this amendment limits the exemption to co-incineration units burning not more than 1000 kg (2205 lb) dry sludge per day. At an average generation rate of 0.11 kg (0.25 lb) dry sludge per person per day, the 1000 kg limit represents a population of approximately 9,000 persons. The 10 percent sludge allowance in such co-incineration is based on the fact that an average community generates about 14 times as much solid waste per person as dry sludge. Thus the 10 percent allowance should easily permit a small community to co-incinerate all its sludge and solid waste in one facility.

This amendment does not affect the applicability of the National Emission Standard for Mercury under 40 CFR Part 61. However, significant mercury wastes are usually not found in sewage sludge from small communities, but are more commonly found in metropolitan wastes from industrial activity.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect emission limits achievable with the best adequately demonstrated systems of emission reduction considering the cost of such systems. State implementation plans (SIPs) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of national ambient air quality standards (NAAQS) designed to protect public health and welfare. For that purpose SIPs must in some cases require greater emission reductions than those required by standards of performance for new sources.

States are free under section 116 of the Act to establish even more stringent emission limits than those necessary to attain or maintain the NAAQS under section 110 or those for new sources established under section 111. Thus, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: November 3, 1977.

DOUGLAS M. COSTLE,
Administrator.

In 40 CFR Part 60, Subpart O is amended by revising § 60.150 and § 60.153 as follows:

§ 60.150 Applicability and designation of affected facility.

(a) The affected facility is each incinerator that combusts wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants, or each incinerator that charges more than 1000 kg (2205 lb) per day municipal sewage sludge (dry basis).

(b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

§ 60.153 Monitoring of operations.

(a) The owner or operator of any sludge incinerator subject to the provisions of this subpart shall:

(1) Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of ±5 percent over its operating range.

(2) Provide access to the sludge charged so that a well mixed representative grab sample of the sludge can be obtained.

(3) Install, calibrate, maintain, and operate a weighing device for determining the mass of any municipal solid waste charged to the incinerator when sewage sludge and municipal solid waste are incinerated together. The weighing device shall have an accuracy of ±5 percent over its operating range.

(Sections 111, 114, 301(a) of the Clean Air Act as amended [42 U.S.C. 1857c-6, 1857c-9, 1857g(a)].)

[FR Doc.77-32667 Filed 11-9-77;8:45 am]

[6820-25]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

[FPMR Amendment F-29]

PART 101-35—TELECOMMUNICATIONS

Listening-in Devices

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This Final rule documents the General Services Administration's policy concerning the use of telecommunications listening-in devices. Recent inquiries from Government agencies concerning these devices have pointed

out the need to expand the regulations to prevent abuses and to provide a central point for documenting deviations.

EFFECTIVE DATE: November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert R. Johnson, Regulations Branch, Agency Services Division, Office of Agency Assistance, Planning, and Policy, Automated Data and Telecommunications Service, General Services Administration, Washington, D.C. 20405. Telephone 202-566-0834.

SUPPLEMENTAL INFORMATION: While existing GSA regulations generally prohibit the use of listening-in devices, there is a need to ensure against abuse and to maintain records of authorized applications of such devices. In order to establish a base for the accounting of these devices an initial inventory must be accomplished. Therefore, each agency is requested to provide to General Services Administration (CPSR) by January 9, 1977, a list of all nonsurreptitious listening-in devices in use as of November 10, 1977, and a copy of the determinations as required by § 101-35.307-2 for each device listed.

The table of contents for Part 101-35 is amended by adding § 101-35.311 as follows:

101-35.311 Listening-in devices.

Subpart 101-35.2—Major Changes and New Installations

Section 101-35.202(a)(3) is revised to read as follows:

§ 101-35.203 Justification of major changes and new installations.

* * * * *

(a) * * *

* * * * *

(3) In addition to the information required in paragraphs (a) (1) and (2), above, the requests for ACD's shall include a statement that the monitoring, service observing, or listening-in features of ACD's will be removed or disabled at the time of installation. These features are prohibited, and existing as well as future ACD's shall have this function removed unless specifically authorized. (See § 101-35.311.)

Subpart 101-35.3—Utilization and Ordering of Telecommunications Services

1. Section 101-35.308-9(f) is reserved as follows:

§ 101-35.308-9 Special service and equipment.

* * * * *

(f) [Reserved]

* * * * *

2. Section 101-35.311 is added to read as follows:

§ 101-35.311 Listening-in devices.

(a) The surreptitious listening or recording of oral or wire communications is prohibited except as provided for in the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2510 et seq.), and other applicable statutes or regulations. In the excepted cases, the devices shall be ordered directly from the commercial vendors and are exempted from the reporting requirements of this Part 101-35.

(b) The installation and use for nonsurreptitious purposes of a listening-in device or any other telecommunication device with the capacity for the interception of oral or wire communications is also prohibited. Listening-in devices include such items as push-to-talk feature on handset, push-to-listen feature on handset, monitoring equipment for service training and assistance, etc. Deviation from this prohibition is permitted only when the head of an agency or his authorized designee determines that it is essential to the effective execution of agency responsibilities or is required for operational needs. Orders placed through GSA facilities for this equipment shall be accompanied by a copy of the written determination. At the same time orders for the installation or removal of this equipment are placed directly with a commercial vendor, a copy of the order shall be submitted to the General Services Administration (CPSR), Washington, D.C. 20405.

(c) GSA will provide assistance to agencies in determining what devices fall within the above-cited prohibited devices category; i.e., have the capacity to listen-in, monitor or intercept oral or wire communications, etc. Requests for assistance shall be addressed to General Services Administration (CPSR), Washington, D.C. 20405.

(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: November 1, 1977.

JAY SOLOMON,
Administrator of General Services.

[FR Doc.77-32571 Filed 11-9-77;8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-103/112; Amdt. No. 172-39]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Extension of Placarding Compliance Date

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: Under this rule, rectangular hazardous materials warning placards (and equivalent markings) formerly required to be displayed on highway vehicles carrying hazardous materials may be used in place of the square-on-point placards which have superseded them. The rule will be effective from January 1, 1978 through June 30, 1978 only, and is intended to give additional time for compliance with recent changes in placarding requirements. This action is based upon considerations raised in petitions and in the course of a hearing that was held on July 21, 1977.

EFFECTIVE DATE: This amendment is effective on January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Donnell W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20590, 202-426-1700.

SUPPLEMENTARY INFORMATION: On July 21, 1977, the Materials Transportation Bureau (MTB) conducted a hearing to receive public comment on the merits of the American Trucking Associations, Incorporated's (ATA) and the National Oil Jobbers Council's (NOJC) petitions to delay mandatory placarding for those vehicles equipped with permanent placarding systems. Written comments were also solicited in the June 6, 1977 notice which announced the July 21 hearing (42 FR 28951). Both oral and written comments were considered in the drafting of this amendment.

The NOJC's petition requested that the effective date of the new placarding requirements be delayed until September 1, 1978, for vehicles currently in use. Since this amendment effectively delays mandatory use of the new placards until July 1, 1978, most of the relief sought in the NOJC petition in effect has been granted for reasons stated elsewhere in this document. However, the MTB believes the NOJC has not justified its petition.

The NOJC contends its membership recently expended over 9 million dollars to bring its vehicles into compliance with the new flammable and combustible liquids definition which became effective January 1, 1976, under Docket No. HM-102. They contend an additional outlay of 6 million dollars is now required for removal of old rectangular placards, painting vehicles, and applying new square-on-point placards. The 9 million dollars spent to comply with HM-102 has already been incurred, and since there is no requirement that a rectangular placard communicating the proper hazard be removed, costs for removing old placards and repainting of vehicles is not necessary to achieve compliance with the new placarding requirements. Based on the foregoing, the NOJC's petition to delay the mandatory placarding effective date until September 1, 1978, for vehicles currently in use, is hereby denied.

The ATA petitioned for a "* * * grandfather provision which would allow motor carriers presently using permanent type rectangular placarding systems to continue using such systems for the useful life of either the permanent placard itself or the vehicle upon which the set is attached, whichever period is shorter." The ATA also petitioned for a delay of the mandatory effective date for

the square-on-point placards for certain vehicles until January 1, 1978, which was granted by an amendment to this docket published on June 6, 1977 (42 FR 28888). Since similar relief until July 1, 1978 is provided by this amendment, those aspects of the ATA's petition need not be discussed further.

The ATA contends that failure to grant a grandfather provision will require carriers "* * * to collectively absorb millions of dollars in undue costs * * *" Those costs are enumerated by the ATA as including the value of existing permanent placarding sets, cost of new placard sets, labor for removal of existing placarding, labor to apply new placards, and "down time," during which a vehicle is not in use to generate revenue. As stated earlier, monies spent on existing placard sets is an expense already incurred and existing placard sets need not be removed provided conflicting hazards are not displayed. Concurrently, the alleged "down time" would be reduced if these functions need not be performed in conjunction with application of new placard sets.

The ATA contends a precedent for grandfathering safety devices was established within the Department by the Federal Highway Administration's Bureau of Motor Carrier Safety when a replacement program for new warning devices for stopped vehicles allowed continued use of earlier type warning devices until the vehicle or device was replaced. The MTB acknowledges the Department's prior use of grandfather provisions, but does not agree that a parallel situation exists. Emergency warning devices are not used as often as are placards, and more important, they are not a device or means to communicate information to emergency response personnel information that such personnel need to guide them is responding to emergency situations. The use of two different types of warning devices for stopped vehicles would not create the confusion in relaying information as would the use of two different hazardous materials communications systems. As evidence to this fact, the MTB has received indications that several of the States that have adopted the Federal placarding requirements, or have similar placarding requirements, are experiencing problems in achieving compliance now because of the present mixing of rectangular and square-on-point placarding systems.

Several commenters at the public hearing in opposition to the ATA's petition pointed out that permanent placarding devices are not required and that nonpermanent placards could be used, although some comments questioned whether an adequate supply of nonpermanent placards is available. The MTB agrees with the ATA's contention that permanent type placarding may result in a higher degree of compliance. The relief granted by this amendment will provide more time for the distribution and installation of permanent placarding sets, and for the adjustment of State regulations where needed.

In previous amendments and notices to this docket, the MTB stated its rationale for revising the shipping paper, labeling, marking, and placarding requirements. While the desire to have a unified placarding system among the modes was a major factor in that project, it was only part of the overall aim to establish a communications system to convey to persons handling hazardous materials, including emergency response personnel, the hazards associated with the materials. All segments of that planned systematic approach to hazard communication are now in effect except for placarding. A further extensive delay in full implementation of the new placarding requirements would continue some of the uncertainties that have hampered the ability of carriers to comply with the regulations because of their interrelationship with shippers as established by § 172.506. An extended delay also would increase the potential for confusion on the part of State and local enforcement personnel that may impede commerce. In light of these factors, as well as our review of the economic arguments offered by ATA, the petition of ATA to grandfather existing permanent placarding systems is hereby denied.

The amendment provided herein is intended to give persons subject to highway placarding requirements more time to conform to the recent changes and to insure adequate availability and distribution of the necessary placards. The amendment is also intended to allow during the first six months of 1978 the use of mixed placarding in a manner that is more easily enforceable than has been the case to date. In view of this, the MTB believes that the interests of States and localities are adequately served by the rule published herein and advises that State or local requirements inconsistent with the rule may detract from the Department's compliance and enforcement efforts. The MTB urges State and local agencies concerned with highway placarding to examine their placarding requirements critically to ascertain the impact of those requirements on persons subject to the Department's Hazardous Materials Regulations.

This amendment adds a new paragraph to § 172.506 to allow some of the rectangular placards specified for use before June 30, 1976, to be used on motor vehicles transporting hazardous materials by highway only, in substitution for the square-on-point placards specified by the new placarding regulations issued under Docket HM-112. Between January 1, 1978 and July 1, 1978, the new placarding regulations must be followed, but where those regulations specify use of a square-on-point placard which is identified in the table added by this amendment to § 172.506(c), the comparable rectangular placard identified in that table may be used in place of the square-on-point placard. This amendment does not authorize continued reliance on the old placarding regulations, but merely allows the old format rectangular placards to be used as specified in place of the new square-on-point placards. Thus, shippers and carriers are bound, after January 1, 1978, by the placarding regulation issued under Docket HM-112, including those rules that specify when and what kind of placard may be required for a particular transport vehicle, but at their option during the first six months of 1978, they may substitute comparable rectangular placards for square-on-point placards.

This amendment applies to all placards identified in the table, regardless of whether the placard in question is of permanent or nonpermanent construction, and regardless of whether the placard is presently mounted on a transport vehicle.

For example, if under Subpart F a square-on-point NONFLAMMABLE GAS placard is required, a rectangular COMPRESSED GAS placard or marking prescribed by § 172.823 in effect on June 30, 1976 may be used until July 1, 1978. After July 1, 1978, only the square-on-point placards may be used to comply with the requirements of Subpart F. Placards already mounted on transport vehicles need not be removed if they do not convey hazard information that conflicts with information on the new placards. The table provided in this amendment may be used to make that determination. Except for the fact that many old rectangular placards need not be removed, carriers and shippers should conduct their operations recognizing that as of July 1, 1978 rectangular placards will not be authorized for any purpose.

This document is a relaxation of existing requirements and does not impose new requirements. For this reason, and because of the public hearing held on July 21, 1977, at which the petitions of the ATA and the NOJC were discussed, further public notice is dispensed with. This action is not expected to increase costs to Federal, State, or local governments, to consumers, or to impose undue costs on the businesses affected, and should not have any significant environmental or inflationary impact. Primary drafters of this document are David B. Goodman, Bureau of Motor Carrier Safety, Federal Highway Administration, and Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of Chief Counsel, Federal Highway Administration.

In consideration of the foregoing, § 172.506 of Title 49 CFR is amended as follows:

In § 172.506 paragraph (a)(1) is redesignated paragraph (b) and a new paragraph (c) is added. As revised, § 172.506 reads as follows:

§ 172.506 Providing and affixing placards: Highway.

(a) Each person offering a motor carrier a hazardous material for transportation by highway shall provide to the motor carrier the required placards for the material being offered prior to or at the same time the material is offered for transportation, unless the carrier's motor

vehicle is already placarded for the material as required by this subpart.

(b) No motor carrier may transport a hazardous material in a motor vehicle unless the placards required for the hazardous material are affixed thereto as required by this subpart.

(c) Until July 1, 1978, a placard or marking meeting the requirements of § 177.823 of this subchapter in effect on June 30, 1976, may be substituted in accordance with the following table for a placard required by this subpart to be affixed to a motor vehicle transporting a hazardous material by highway:

If this subpart requires the motor vehicle to be placarded:	*The motor vehicle may be marked or placarded in the format, letter size and color prescribed in 49 CFR 177.823 in effect on June 30, 1976:*
EXPLOSIVES A	EXPLOSIVES A.
EXPLOSIVES B	EXPLOSIVES B.
NONFLAMMABLE GAS	COMPRESSED GAS.
FLAMMABLE GAS	FLAMMABLE GAS.
COMBUSTIBLE	COMBUSTIBLE OR FLAMMABLE.
FLAMMABLE	FLAMMABLE.
FLAMMABLE SOLID	FLAMMABLE.
CORROSIVE	CORROSIVES.
POISON	POISON.
OXIDIZER	OXIDIZERS.
RADIOACTIVE	RADIOACTIVE.
DANGEROUS	DANGEROUS.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e)).

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

Issued in Washington, D.C. on November 3, 1977.

JOHN J. FEARNSIDES,
Acting Director,
Materials Transportation Bureau.

[FR Doc.77-32522 Filed 11-9-77;8:45 am]

[4910-60]

[Docket No. HM-112; Amdt. No. 173-109]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Hydrogen Peroxide Water Solutions Transported by Vessel

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This document corrects an administrative oversight by amending § 173.266 Hydrogen peroxide solution in water to discontinue authority to ship by vessel hydrogen peroxide water solutions of 52 percent concentration or less in portable tanks, and to discontinue the exception for shipments of this material by vessels. Prior to consolidation of the DOT hazardous materials regulations last year (41 FR 15972), portable tanks were not authorized for, and the exception did not apply to water shipments of such hydrogen peroxide solutions. These restrictions were inadvertently eliminated in the rulemaking proceeding upon which consolidation was based. The Materials Transportation Bureau (MTB) is amending the applicable regulations without notice to reimpose those restrictions to maintain adequate stowage and cargo compatibility requirements, because the seriousness of any decomposition reaction occurring in a large quantity of hydrogen peroxide, and because experience with portable tanks in hydrogen peroxide service aboard vessels is limited.

EFFECTIVE DATES: This amendment is effective on November 10, 1977.

ADDRESSES: Any person wishing to comment on this final rule should address comments to: Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law, Room 6222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. Phone 202-755-4972.

SUPPLEMENTARY INFORMATION: This amendment is published in final form without public notice because of the peculiar hazards involved in water transportation of large quantities of hydrogen peroxide. This Office is aware of recent attempts by at least one foreign shipper to offer for water transportation to the United States hydrogen peroxide in water solution of 52 percent or less concentration in portable tanks, in reliance on the language of 49 CFR 173.266(e). The Coast Guard is particularly concerned about necessary stowage and compatibility requirements which § 173.266(e) appears to eliminate.

In addition, experience is limited in the use of portable tanks for this material aboard vessel, since such use was not authorized under Coast Guard regulations (old 46 CFR 146.23-100) in effect prior to consolidation of the DOT Hazardous Materials Regulations in 49 CFR. Hydrogen peroxide is catalytically decomposed by minute quantities of many common substances such as copper, dust, dirt and rust. The larger the quantity of hydrogen peroxide involved, the faster the decomposition reaction and the increase in heat and pressure are likely to be, and the greater the consequential possibility of explosion. The MTB, therefore, believes it necessary to reimpose essentially the same rules in effect prior to consolidation and that public proceedings are in this circumstance impracticable and contrary to the public interest. For the same reasons of public safety, this amendment is effective November 10, 1977.

Although public notice has not been provided, persons who wish to comment on this action should do so at the address indicated. The MTB will reconsider this amendment and is prepared to conduct further public proceedings, upon demonstration of adequate justification therefor. This amendment is not expected to result in any significant environmental or economic impact. Primary drafters of this document are Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law, and Joseph Horning, Office of Hazardous Materials Operations.

In consideration of the foregoing, Part 173 of Title 49 Code of Federal Regulations is amended as follows:

In § 173.266 the introductory text of paragraphs (b) and (c), and paragraphs (d) and (e) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) Hydrogen peroxide solution in water, containing 52 percent or less hydrogen peroxide by weight, must be packaged as prescribed in paragraph (a) or (f) of this section or as follows (vented packagings are not permitted aboard aircraft):

* * * * *

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent, must be packaged as prescribed in paragraph (a), (b), or (f) of this section or as follows (vented packagings are not permitted aboard aircraft):

* * * * *

(d) Hydrogen peroxide solution in water, containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent, must be packaged as prescribed in paragraphs (a), (b), (c), or (f) of this section (vented packagings are not permitted aboard aircraft).

(e) Except for transportation by vessel, hydrogen peroxide solution in water not exceeding 52 percent hydrogen peroxide by weight, when shipped in tank cars, tank motor vehicles, or portable tanks in carload or truckload quantities only, is not subject to any other requirement of Parts 170-189 and 397 of this title.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

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

Issued in Washington, D.C. on October 31, 1977.

JOHN J. FEARNSIDES,
Acting Director,
Materials Transportation Bureau.

[FR Doc.77-32389 Filed 11-9-77;8:45 am]

[4910-22]

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-69-2, Amdt. No. 77-1]

PART 395—HOURS OF SERVICE OF DRIVERS

Driver's Multi-Day Log

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule will permit commercial motor carriers engaged in transportation in interstate or foreign commerce to use either a new revised driver's daily log or a driver's multi-day log which may contain up to 8 days data on one sheet of paper, in lieu of the present driver's daily log. This action will reduce the paperwork burden of motor carriers.

EFECTIVE DATE: Date of issuance through June 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald J. Davis, Chief Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, 202-426-9767; Mrs. Kathleen S. Markman, Office of Chief Counsel, 202-426-0790, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: This rule was developed because of a petition filed by the American Trucking Associations, Inc., (ATA) requesting adoption of a new form of a daily log. An experimental program was instituted authorizing 29 selected motor carriers and their drivers to use a 7-day log. (Notice January 31, 1973, 38 FR 4010). The test took place from April 1, 1973, to April 1, 1974.

Following the test, an Advance Notice of Proposed Rulemaking, Docket MC-47, was published on September 10, 1974, (39 FR 32620) soliciting written data, views, or arguments pertaining to the new 7-day format. Comments were received raising objections to certain limitations placed on the 7-day log. A second rulemaking action was instituted on a notice of proposed rulemaking in Docket MC-69, proposing a 4-day driver's log. (41 FR 3311).

After reviewing all the comments submitted in response to both Notices and at the suggestion of ATA, a Notice of Proposed Rulemaking was issued on April 4, 1977, (42 FR 17891) proposing a multi-day log.

The concept of a multi-day log received 26 supporting comments and none in opposition. Suggestions were made about the format of the log and about certain restrictions on its use. These comments are summarized below.

There were comments opposed to the provision that a regional director may revoke the authorization of using the multi-day log if investigation discloses violations of the regulations attributable to its use. They contend that if the multi-day log can be discontinued by a regional director, carriers are not likely to adopt the system because of the cost and administrative burdens in changing their system. Procedures already exist in the Federal Motor Carrier Safety Regulations that would penalize a carrier and a driver who violate recordkeeping requirements. The proposed provision has been deleted from the final rule.

Comments were filed in opposition to the proposal that carriers choosing to use the multi-day log sheet must use that format exclusively. Several of the commenters requested permission to use one type of format at one terminal while using a different type of format at another terminal. Another point raised involved different systems for different segments of a carriers operation. It was also pointed out that there may be various types of operations at one terminal. Some drivers operate from and return to the same terminal every day. Other drivers may be gone for 2 days while other drivers may operate as relay drivers or in sleeper berth operations. Carriers contend that it would be of more benefit to permit them the choice of a log to best suit a particular operation. The arguments are convincing and the final rule will not restrict carriers from using different combinations at different terminals.

Several comments related to the size of the proposed multi-day log, objecting to the overall size limitation, 1" minimum remarks section, insufficient space for remarks, unable to get 7 days of logs on 8½"x11" sheet of paper, 4 lines instead of 2 lines for recording duty status, and increments of time being too small. All dimensions are minimums. Any section may be enlarged by any carrier to meet individual needs. The present standard size daily log form may be retained while complying with the contents of the multi-day log format.

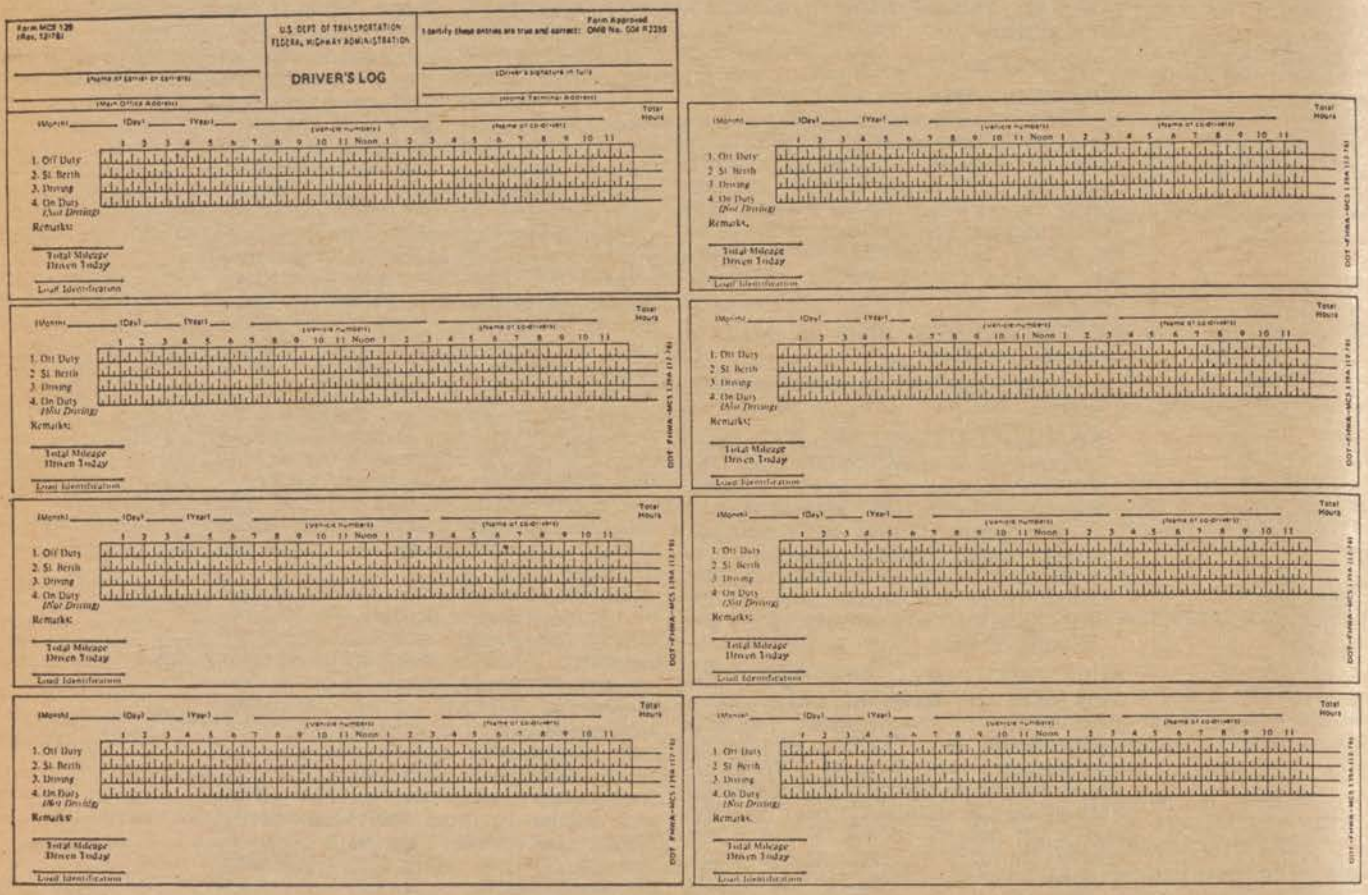
Proponents of the 7-day log, although supporting the multi-day log concept, still insist on a 2 line log, crowding 7 days on an 8½"x11" sheet of paper. There were many instances during the 7-day log test when it was impossible to determine from the 2 line log whether a driver was off duty or in a sleeper berth, or whether the driver just forgot to record what his duty status was. With the off duty and sleeper berth lines not shown, there is no section for drivers to record their status on the log and the implication is that only driving and on-duty time is to be recorded. Such a log would create severe inspection and enforcement difficulties and lead to problems involving relations between drivers, carrier management and the Federal Government. The 2 line log made it difficult to total the off duty and sleeper berth time at the completion of each log, since there is more chance for error when a driver does not have a separate line for each duty status to total 24 hours at the end of each log. To en-

courage drivers to complete the log as accurately as possible and to assist the field staff in administering the regulations, it has been determined that the 4 line log is necessary.

A commenter suggested that a limitation of 8½" x 11" be placed on the overall size of the multi-day log sheet permitting 4 days to be printed on both sides thus providing 8 days on one sheet of paper. In view of the arguments against the longer paper needed to accommodate 7 days on one side, the additional costs involved due to the odd size, the rule has been changed to provide a maximum size for the overall multi-day log to 8½" x 11" sheet of paper. The rule also provides that both sides may be printed with logs to include up to 8 days on one sheet of paper. The back of this sheet would be considered as a continuation of the front side. Example of 8 day log follows:

Front

Back



Several comments suggested that the main office address be eliminated and several others suggested that the home terminal address be eliminated. In determining, during a roadside inspection whether a driver is in compliance with the hours of service requirements, it is necessary to know the home terminal location. The main office address is necessary in order for the safety investigator to know where to send Form MCS-63, Driver Equipment Compliance Check. In view of the problems that would be created by eliminating one or the other, both addresses are being retained.

A few comments requested that origin and destination be shown on the log. In an effort to reduce the overall size of the log, it was determined that the origin and destination was not critical in determining the drivers compliance with the hours of service requirements since the remarks section includes the point of origin where the driver started driving and the destination point or points at which the driver completed his trip or made a turnaround. With the smaller size daily log, carriers may include additional information outside that required by the log to suit their own individual needs.

Objections were raised by commenters to the proposed requirement that the driver shall forward the original log sheet, upon completion of the last log, to his home terminal or to the carriers principal place of business. They contend that many drivers return to their home terminal faster than the mail service. In order to reduce the postage and handling costs, drivers should be permitted to furnish the carrier their logs immediately upon return to his home terminal, except when the driver will not return within 5 days of the completed log page. Accordingly, the proposed requirement has been amended to provide 5 days for drivers to submit copies of their logs to the carriers.

One comment requested that it be made clear that the unused portion of a multi-day log may be crossed out. The rule provides that the unused portion be appropriately noted. This terminology was used to permit various means of voiding an unused section rather than requiring the type of notation or marking. Should the rule have such a specification any deviation therefrom would be a violation. It is preferable to let the driver or carrier establish their own procedure as long as it is clearly marked so that no question that it was unused will arise.

Another commenter requested a provision for a daily recap in a 1½" margin on the right side, and on the cover of each log book instructions for completing the log. The rule has been amended to include the requirement that each log book contain instructions for completing the log. A daily recap must be made available to each driver, either on the cover of the log book or by some other manner. The request to include a 1½" margin has already been taken into consideration for the potential use of that space by carriers. Many carriers may wish to use the 1½" margin for other than a daily recap, while other carriers may not need to use this space. The 1½" margin is therefore left as on option. There is a

provision included in the rule giving carriers an opportunity to deplete their current supply of daily logs before they must use the new form. Various comments requested this provision.

Various comments requested clarification of the requirement to show "Shipping Number" on the lower left hand corner of each log. In view of these comments, the instructions will clarify the rule by specifying that a shipping number, manifest number, name of shipper and commodity, or in case of multiple shipments, only one shipping document number need be shown. The "Shipping Number" as shown on the proposed log has been changed to read "Load identification."

Several commenters requested that maintenance of a daily recap be required with option to recap either in the log book or supplemental to it but opposes a requirement that the recap be a part of the log book. It was stated in the preamble of the notice that a daily recap must be provided with each log book. The final rule herein provides that the daily recap must be made available to the driver either as part of the log book, log sheet or as a separate document, whichever is suitable to a carrier's particular operation.

One carrier requested that the recording of driving time and on-duty time be eliminated on a stop-by-stop basis in multi-stop operations when a carrier is making as many as 75 stops per day. The regulations now provide that all stops made in any one village, town, or city, may be computed as one. There is a lack of evidence to support any further relaxation at this time.

Requests to eliminate the requirement to maintain logs for drivers that return to the same terminal within 10 to 12 hours each day and to extend the 50-mile radius exemption to 100 miles or 200 miles, are the subjects of separate rulemaking actions.

The question has been raised as to which log form the driver must furnish a carrier when operating in interline service. The driver must furnish the interline carrier a copy of the type log he is using, for the day or part of a day he drives for the interline carrier, regardless of the type of log used by the interline carrier. The original log must be surrendered by the driver to the motor carrier which regularly employs him. When a driver is used by more than one carrier, either the regular employing motor carrier or lessor must retain the original log, and the other carrier using the driver under lease or interchange service must retain a copy of the log for the days or part of a day that driver is used by that motor carrier.

The Office of Management and Budget has granted limited approval of the driver's multi-day log (Form MCS–139 and 139A). Unless it is extended by further notice, this final rule shall be in effect from the date of issuance through June 1978.

Accordingly, 49 CFR Chapter III is amended as follows:

1. Part 395 is amended by adding a new § 395.9, Driver's Multi-Day Log, as follows:

§ 395.9 Driver's multi-day log.

(a) Every motor carrier shall require and every driver who operates a motor vehicle shall prepare, in duplicate, a driver's log.

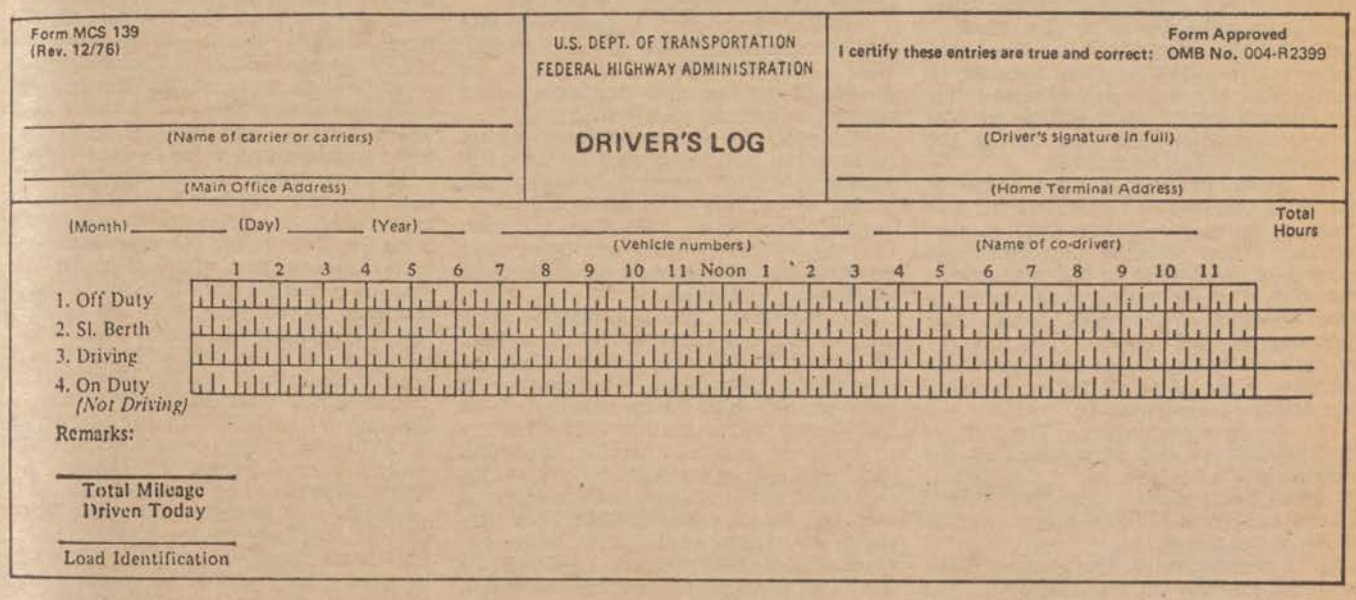
(1) Form MCS–139, or Form MCS 139 combined with MCS–139A, must be used. Up to 4 consecutive days may appear on each side of a sheet of paper for a total of 8 days on one sheet. The maximum dimensions of the sheet of paper containing the multi-day log shall be 8½" x 11" or less.

(2) Driver's logs, MCS–139 and MCS–139A, shall be prepared and retained in accordance with the provisions of paragraphs (b) through (s) of this section.

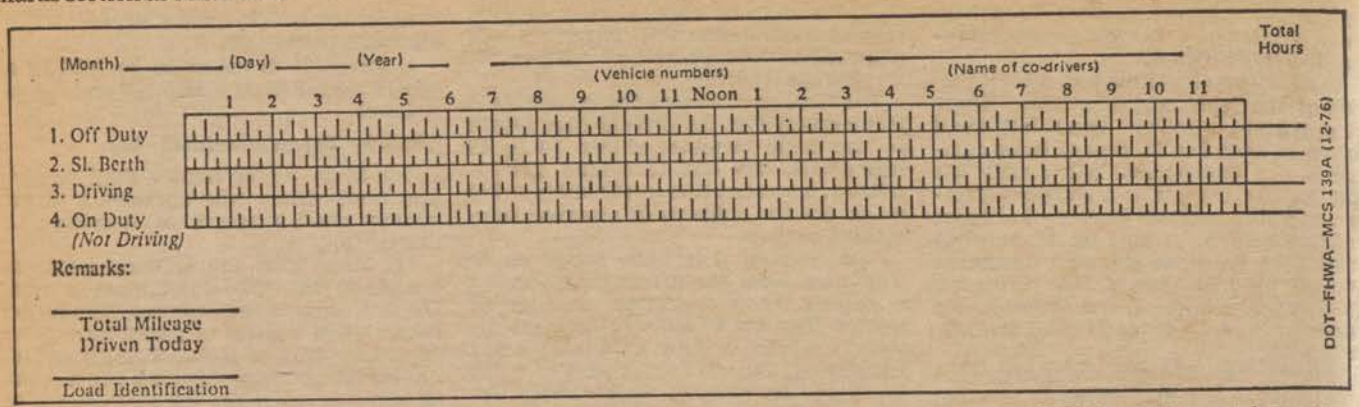
(3) Failure to prepare, failure to make required entries, falsification of entries, or failure to preserve driver's logs shall make both the driver and the carrier liable to prosecution.

(4) *Exception.* Drivers who meet the requirements of paragraph (v) of this section need not comply with this paragraph.

(5) Form MCS–139 shall be not less than 7 inches by 3 inches overall dimensions with a minimum of 1" for the remarks section, as follows:



(6) Form MCS–139A shall be not less than 7 inches by 2 inches overall dimensions with a minimum of 1'' for the remarks section as illustrated:



(7) Instructions for preparing the log and specimen log shall be printed on each log book cover. A daily recap of the total hours worked and hours available must be made available to drivers, either by printing on the log book cover or by some other means.

(b) *Entries to be current.* Drivers shall keep the log current to the time of the last change of duty status.

(c) *Entries made by driver only.* All entries shall be made by the driver in his own handwriting.

(1) *Exception.* The name and principal place of business of the carrier may be printed.

(d) *Date.* Enter month, day, and year for each calendar day on or off duty.

(e) *Total mileage driven today.* Total mileage driven today shall be the total mileage actually driven by the driver.

(f) *Vehicle identification.* The carrier's vehicle identification number or numbers or the State and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

(g) *Name of carrier.* The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than one carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown in the remarks section. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

(h) *Driver's signature.* The driver shall certify to the correctness of the log by signing his first name, middle initial, and last name in full. The initials and last name of each co-driver shall be shown on each log.

(i) *Home terminal.* The driver's home terminal address shown shall be that at which he normally reports for duty.

(j) *Time base to be used.* The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: Provided, however, that if written notification is given by a carrier to the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration for the region in which the carrier's principal place of business is located, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of one day and ending at noon of the next succeeding day. For drivers preparing logs on a noon-to-noon basis, the term 7 or 8 consecutive days means the period of 7 or 8 consecutive days beginning at 12:01 p.m., on any day.

(k) *Line 1, Off duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

(l) *Line 2, Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in § 395.2(g).

(m) *Line 3, Driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle, as defined in § 395.2(b).

(n) *Line 4, On duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty not driving specified in § 395.2(a) (1), (2), (4), (5), (6), (7), (8), or any other time on duty but not driving as defined by §§ 395.2(b) and 395.7.

(o) *Remarks.* The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on duty not driving, including time for dispatch instructions, pretrip inspections, tire and load checks, enroute, etc., and where released from work. Explain the reason resulting in hours exceeding those permitted by § 395.3. Show load identification for the transportation performed each day by entering a shipping document number or numbers. In case of multiple shipments, only one number is required, or the name of one shipper and commodity.

(p) *Total hours.* The total hours in each duty status: Off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on duty not driving shall be entered. The total of the entries shall equal 24 hours.

(q) *Continuous off-duty periods.* Continuous off-duty periods of 2 days or more may be recorded on one log.

(r) *Unused logs.* Unused logs on a multi-day log sheet must be appropriately noted.

(s) [Reserved]

(t) *Filing driver's log.* The driver shall deliver the original log sheet immediately upon completion of the last log, to his home terminal or to the carrier's principal place of business. Log sheets must be mailed to the carrier when the driver will not return within 5 days of the completed log page. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier, other than the employing carrier, a copy of the log being used by the driver containing complete entries. The original log must be retained by the motor carrier which regularly employs him. Motor carriers using a driver for the first time or intermittently shall obtain from the driver a signed statement indicating the total time on duty during the immediately preceeding 7 days and the time at which he was first relieved from duty prior to beginning work for the carrier.

(u) *Retention of driver's log.* Daily logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of preparation. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, a motor carrier may forward and retain such logs at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The driver shall retain a copy of logs for 30 days and they shall be in his possession while on duty.

(v) *Exemptions.*—(1) *50-mile radius drivers.* The rules in this section do not apply to a regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work, if the motor carrier who employs the driver maintains at the terminal where the driver normally reports for duty, for a period of 1 year accurate and true records showing the total number of hours the driver is on duty each day and the time at which the driver

reports for, and is released from, duty each day.

(2) *Drivers of lightweight vehicles.* The rules in this section do not apply to Drivers of lightweight vehicles as defined in Section 390.17.

(3) *Use of Canadian log forms.* In lieu of Forms MCS–139 and MCS–139A, a driver may use, and a motor carrier may accept, the form of driver's daily log prescribed in the "Canada Motor Vehicle Operators Hours of Service Regulations," if—

(i) The driver's home terminal is located in Canada;

(ii) The motor carrier is properly registered with the Canadian authorities in accordance with the "Canada Motor Vehicle Operators Hours of Service Regulations;" and

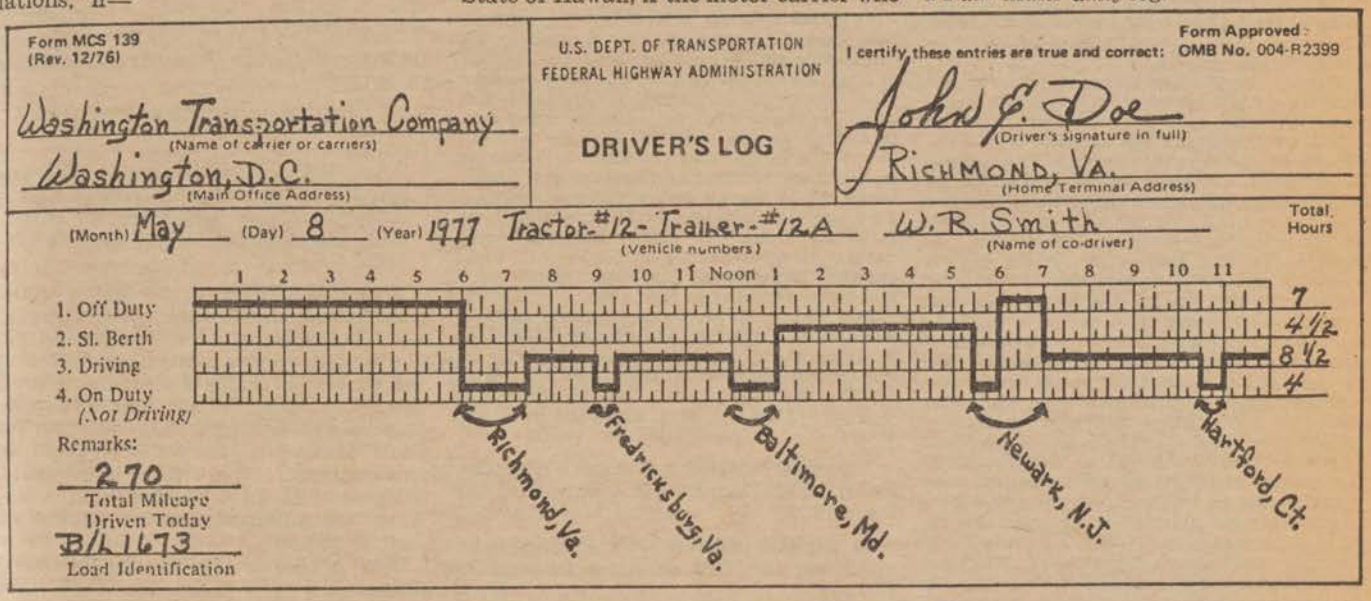
(iii) All information required by this section is entered on the form.

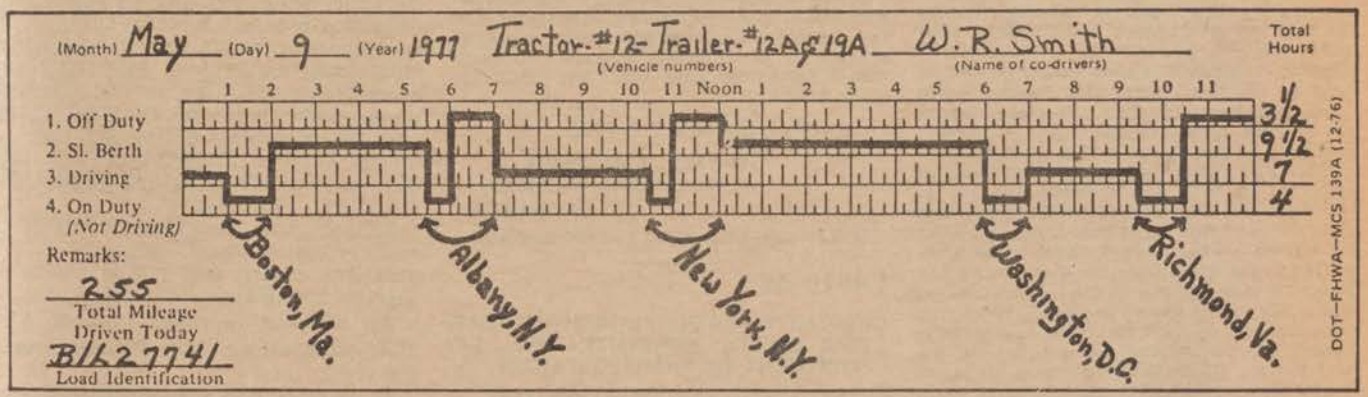
(4) *Drivers operating in Hawaii.* The rules in this section do not apply to a driver who drives a motor vehicle in the State of Hawaii, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing—

(i) The total number of hours the driver is on duty each day; and

(ii) The time at which the driver reports for, and is released from, duty each day.

(w) *Specimen log.* The following executed specimen shows the correct entries on a driver's log when the employing motor carrier has decided to combine Form MCS–139 and MCS–139A into a 2 day multi-daily log.





NOTE.—Driver's Log. (Form MCS–139 and MCS–139A).

The Federal Highway Administration will not provide supplies of the log. The log may be incorporated as a part of any daily form used by a carrier, provided it is so ruled that the log appears distinct and separate from other portions of such form. In reproducing the log, dimensions of not less than 7" x 3" for Form MCS–139, and 7" x 2" for Form MCS–139A, with a minimum of 1" for the remarks section in each form.

This executed specimen document shows how a driver is to prepare the log. It covers a driver's activities on the first day of a trip in which he left Richmond, Va., with a shipment of miscellaneous freight to be delivered in Newark, N.J., and Boston, Mass., returning to Richmond, Va.

The driver in this instance reported for duty with his co-driver at the carrier's Richmond terminal at 6 a.m., at which time he was given papers for the shipments and instructions for making the trip. The vehicle combination was being loaded at the time he reported for duty and the driver attended the vehicle until the loading was completed. He then made a pretrip inspection of the vehicle (§§ 392.7 and 392.8), made entries upon his driver's log to 7:30 a.m. as "on duty not driving and started driving at that time (§§ 395.2(a) (1) and (2)). At 9 a.m., in Fredericksburg, Va., he was involved in an accident with an automobile which was damaged to the extent of $250. He remained at the accident scene for one-half hour while the police conducted their investigation. He obtained information relating to the accident (§ 392.40) and performed an inspection of the vehicle (§ 396.6). He then made entries upon his log to 9:30 a.m., showing this stop as "on duty not driving" and started driving at that time (§ 395.2(a)(6)). He drove until noon at which time he stopped. He then made entries upon his log to noon indicating that he had been driving for 2½ hours. At 12 noon he stopped near Baltimore, Md., at a truck stop for fuel and lunch. He then made entries upon his log to 1 p.m., showing this stop as "on duty not driving." He then entered the sleeper berth while his co-driver assumed the driving duties. At 5:30 p.m., he arrived at the carrier's Newark, N.J., terminal and reported to the dispatcher. He gave to the dispatcher his statement concerning the accident. He was told by the dispatcher that helpers would not have the Newark bound freight unloaded until 7 p.m. He then walked to a nearby diner, leaving the vehicle at the terminal, ate dinner and returned at the specified time. He then made entries upon his log to 7 p.m., showing 5:30 p.m. to 6 p.m. as "on duty not driving" (§ 395.2(a)(6)) and showing 6 p.m. to 7 p.m. as "off duty" due to the fact that the vehicle and its cargo were under the care and custody of the carrier's dispatcher during this time, and then started driving. At 10:30 p.m., the vehicle broke down near Hartford, Conn. He placed warning devices upon the highways (§ 392.26), and then, he and the co-driver, diagnosed the trouble and made repairs. He made entries upon his log to 11 p.m. showing this stop as "on duty not driving." (§ 395.2(a)(7)), and then resumed driving at that time. At 1 a.m., he arrived at the Boston terminal and reported to the dispatcher. He then totaled the hours for each column on the log and entered the totals in the spaces provided. The totals for each line equaled 24 hours. Immediately thereafter, he started preparation of his May 9th log. He made entries upon his log to 1 a.m. showing he had just completed 2 hours of driving. He unhooked the tractor from trailer No. 12A and hooked up to trailer No. 19A. The driver then made a pretrip inspection of the vehicle and made entries upon his driver's log to 2 a.m. as "on duty not driving" (§ 395.2(a)(5) and §§ 392.7 and 392.8)). Afterwards he entered the sleeper berth and his co-driver assumed the driving duties. At 5:30 a.m. he arrived at the carriers Albany, N.Y., terminal and reported to the dispatcher. He was told that the terminal would not finish unloading the Albany freight until 7 a.m. He then walked to a nearby diner, ate breakfast and returned at the specified time. Then the driver made entries upon his log to 7 a.m., showing 5:30 a.m. to 6 a.m. as "on duty not driving" (§ 395.2(a)(5)) and showing 6 a.m. to 7 a.m. as "off duty" because this period the vehicle and its cargo were under the care and custody of the carrier's dispatcher. At 7 a.m. the driver resumed driving.

At 10:30 a.m. he arrived at the carrier's New York City terminal. He reported to the dispatcher and helped supervise the loading of freight onto the vehicle. The driver walked to a restaurant for lunch. He made entries upon his log to 12 noon, showing 10:30 a.m. to 11 a.m. as "on duty not driving" (§ 395.2(a))5)) and showing 11 a.m. to 12 noon as "off duty." At noon he entered the sleeper berth while his co-driver assumed driving. At 6 p.m. he stopped near Washington, D.C., at a truck stop for dinner and fuel after eating, he made entries on his log to 7 p.m., showing this stop as "on duty not driving," and started driving at that time.

At 9:30 p.m. he arrived back at his carrier's Richmond, Va., terminal and reported to the dispatcher. He supervised the unloading of his vehicle. He made entries upon his log to 10:30 p.m. showing stop as "on duty not driving" (§ 395.2(a)(5)), and then went "off duty."

(x) *Effective time.* Carriers may use Form MCS–139 and 139A only through June 1978.

2. Section 395.8(a) is amended by changing the first sentence to read as follows:

§ 395.8 Driver's daily log.

(a) Except as provided in Section 395.9 and in paragraph (t) of this Section, every motor carrier shall require that a driver's daily log, Form MCS–59 set forth below, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log.

* * * * *

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 301.60.)

NOTE.—The Federal Highway 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.

Issued on November 2, 1977.

HOWARD L. ANDERSON,
Associate Administrator for Safety.

[FR Doc.77–32428 Filed 11–9–77;8:45 am]

[4910–58]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Amended Delegations of Authority; Chief Counsel and Executive Secretary

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This rule adjusts the delegations of authority to carry out investigations under section 112(c) of the National Traffic and Motor Vehicle Safety Act by delegating to the Chief Counsel and Executive Secretary certain powers now exercised by the Associate Administrator for Motor Vehicle Programs. The adjustment is necessary to improve the processing of investigatory actions during their latter stages. The rule also delegates to the Executive Secretary general subpoena authority under other Acts administered by the agency.

DATES: This rule is effective November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

John Womack, Assistant Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1834.

SUPPLEMENTARY INFORMATION: This notice amends the delegations at 49 CFR 501.8 with respect to the exercise of authority under subsection 112(c) of the National Traffic and Motor Vehicle Safety Act, Sec. 112(c), Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1401(c)). No explicit delegation has yet been made of this authority, apart from the general delegation at 49 CFR 501.8(c) to the Associate Administrator for Motor Vehicle Programs.

The authority to administer paragraphs 112 (c)(1), (c)(4), (c)(5), and that part of (c)(3) which requires reports and answers to be given under oath, is hereby removed from the general delegations in § 501.8(c) and delegated to the Chief Counsel, National Highway Traffic Safety Administration. A new subparagraph (2) is added to § 501.8(i) to reflect this delegation, and an appropriate reference is inserted into paragraph (c).

The authority to issue subpoenas is hereby removed from the general delegation in § 501.8(c) and delegated to the Executive Secretary, National Highway Traffic Safety Administration. A new paragraph (j) is added to § 501.8 to reflect this delegation, and an appropriate reference is inserted into § 501.8(c). To encompass other provisions under which subpoenas may issue, the Executive Secretary is delegated general subpoena power under both the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1901–2012).

Because this amendment relates to agency management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 501 of Title 49, Code of Federal Regulations, is amended as follows:

In § 501.8(c), the exception to the general delegations is amended as follows; § 501.8(i) is amended by adding

paragraph (2) as follows; and a new paragraph (j) is added as follows:

§ 501.8 Delegations.

* * * * *

(c) *Associate Administrator for Motor Vehicle Programs.* Except for those portions that have been reserved to the Administrator, delegated to the Chief Counsel, or delegated to the Executive Secretary, * * *

* * * * *

(j) * * *

(2) Exercise the powers of the Administrator, other than subpena powers, under the following paragraphs of subsection 112(c) of the National Traffic and Motor Vehicle Safety Act (80 Stat. 718, as amended 88 Stat. 1470; 15 U.S.C. 1401(c)) at such stage in each investigation as the Administrator may determine that the preliminary data indicate a need for a full inquiry: paragraph (1), paragraph (3) with respect to requiring reports and answers to be given under oath, paragraph (4), and paragraph (5).

(j) *Executive Secretary.* The Executive Secretary is delegated authority to issue subpenas, at the request of the Chief Counsel and after notice to the Administrator, for the attendance of witnesses or production of documents pursuant to the National Traffic and Motor Vehicle Safety Act.

(80 Stat. 718, as amended 88 Stat. 1470; 15 U.S.C. 1401(c)), and the Motor Vehicle Information and Cost Savings Act (86 Stat. 947, as amended 89 Stat. 871, 90 Stat. 981; 15 U.S.C. 1901–2012).

(Sec. 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1401, 1407); Pub. L. 92–513, 86 Stat. 947; Pub. L. 94–163, 89 Stat. 871; delegations at 49 CFR 1.50.)

Issued on November 4, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77–32570 Filed 11–9–77;8:45 am]

[1505–01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 230 (Sub-No. 4)]

PART 1090—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Investigation To Consider Further Modification of Piggyback Service Regulations

Correction

In FR Doc. 77–31610 appearing at page 57127 in the issue for Tuesday, November 1, 1977, in the third column, immediately beneath the signature, the sentence now reading "Accordingly, Part 1090 of Chapter X of Title 49 of the Code of Federal Regulations is deleted." should have read "Accordingly, § 1090.5 of Chapter X of Title 49 of the Code of Federal Regulations is deleted."

[4310–55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Bosque del Apache National Wildlife Refuge to Hunting of Migratory Game Birds; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction of special regulation.

SUMMARY: This document corrects the closing date in the Supplementary Information in the migratory game bird hunting regulations for geese on the Bosque del Apache National Wildlife Refuge published by the Service on October 14, 1977 at 42 FR 55216.

EFFECTIVE DATES: November 19 through December 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard W. Rigby, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Telephone 505–835–1828.

SUPPLEMENTARY INFORMATION: The amendment in this document corrects the closing date of specific information in the U.S. Fish and Wildlife Service's regulations as published in the FEDERAL REGISTER on October 14, 1977 (FR Doc. 77–30010, 42 FR 55216). This document was authorized by W. O. Nelson, Jr., Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

50 CFR Part 32 is amended by correcting a date for the Bosque del Apache National Wildlife Refuge as follows:

In the first paragraph, § 32.12, the portion pertaining to hunting of geese that now reads: "Public hunting only of snow, blue and Ross's geese on the Bosque del Apache National Wildlife Refuge is permitted from November 19 through December 14, 1977, * * *" is corrected to read: "Public hunting only of snow, blue and Ross's geese on the Bosque del Apache National Wildlife Refuge is permitted from November 19 through December 4, 1977, * * *".

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

Dated: November 4, 1977.

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, N. Mex.

[FR Doc.77–32600 Filed 11–9–77;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 929]

HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Amendment of Notice of Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice amends the proposal published August 8, 1977 (42 FR 39989) regarding procedures governing the transfer of unused allotment or cranberries among growers and the disposition of each grower's annual allotment certificate. The Cranberry Marketing Committee submitted an amended proposal which would extend the filing date for reports of transfers and submission of annual allotment certificates to January 15 of each year. Under the initial proposal, the final dates for filing information with the committee was generally dependent upon the date the transfer was effective and the grower's harvest was completed. The January 15 filing deadline is designed to allow an additional period of time for growers and handlers to provide the committee with the detailed documentation required.

DATE: Comments must be received on or before December 1, 1977.

ADDRESSES: Send two copies of comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: 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)).

The amended proposal is as follows:

§ 929.151 Allotment transfers and disposition of the growers annual allotment certificate.

(a) Growers who transfer or receive the transfer of cranberries or allotment to fill deficiencies pursuant to § 929.49(c) shall report the details of such transfer to the committee on CMC forms T3 through T6, as applicable.

(b) Growers may enter into an agreement with a handler or handlers as to the disposition of the grower's annual allotment. The terms of the agreement shall be contained on CMC form T7 or a similarly executed agreement acceptable to the committee, and shall include the following:

(1) The quantity of allotment available to the handler for transfer;

(2) The effective date of the agreement; and

(3) The signature of the grower and the handler or their authorized representatives.

Any transfer effected by the handler pursuant to this agreement shall be documented on committee forms and submitted to the committee.

(c) Each grower shall submit to the committee his annual allotment certificate: *Provided*, That each grower may authorize a handler to submit the annual allotment certificate to the committee. Notification that the handler agrees to perform this service shall be provided to the committee and the terms of the agreement shall be contained on CMC form T7 or similarly executed agreement acceptable to the committee. Each handler shall submit the allotment certificate to the committee. Each allotment certificate submitted by the grower or his authorized handler shall show quantities of cranberries purchased by handlers and the dates on which such purchases were made. Each certificate shall be signed by the handler and indicate the date on which any transfers were made.

(d) Reports and annual allotment certificates required pursuant to this section shall be filed with the committee by January 15 of each year.

Dated: November 3, 1977.

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

[FR Doc.77-32574 Filed 11-9-77;8:45 am]

[3410-07]

Farmers Home Administration

[7 CFR Part 1901]

[FmHA Instruction 1901-O]

PROGRAM RELATED INSTRUCTION

Jointly Funded Grant Assistance to State and Local Governments and Non-Profit Organizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes procedural regulations to be followed for applications for joint funding from FmHA. These regulations will implement the provisions of the Office of Management and Budget Circular A-111 which pertains to joint funding of related programs of Federal Assistance to State and local governments and non-profit organizations.

DATES: Comments must be received by December 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Allen L. Turnbull, 202-447-5717.

SUPPLEMENTARY INFORMATION: Farmers Home Administration proposes the addition of a new Subpart O of Part 1901, Chapter XVIII, Title 7 Code of Federal Regulations. Subpart O "Jointly Funded Grant Assistance to State and local Government and Non-Profit Organization" (§§ 1901.701-1901.750) of part 1901 will implement the provisions of the Office of Management and Budget Circular A-111 which was issued pursuant to the Joint Funding Simplification Act of 1974 (PL 93-510), and Executive Order 11893, dated December 31, 1975. For purposes of this Subpart joint funding means any undertaking that includes components proposed or approved for grant assistance under more than one Federal program, or one or more Federal programs and one or more State programs, provided each of those components contributes materially to the accomplishment of a single purpose or closely related purpose. These regulations shall apply to the following FmHA programs: Water and Waste Disposal Development Grant, Industrial Development Grant, and Farm Labor Housing Grant.

Two Exhibits to Subpart O are added. Exhibit A lists the Federal Regional Councils and Exhibit B provides guides for use by the State Directors in preparation of documents. These guides can be obtained through any FmHA office.

As proposed Subpart O, Part 1901 reads as follows:

Sec.
1901.701 Purpose.
1901.702 Policy.

Sec.
1901.703 Scope.
1901.704–1901.705 [Reserved]
1901.706 Definitions.
1901.707 Applicant eligibility.
1901.708 Use of grant funds.
1901.709 Preapplication processing.
1901.710 Application policies and procedures.
1901.711 Project management policies and procedures.
1901.712 Management fund.
1901.713 Federal-State agreements.
1901.714 Joint funding audits.
1901.715–1901.718 [Reserved]
1901.719 State supplements.
1901.720–1901.750 [Reserved]
Exhibit A—Federal Regional Councils.
Exhibit B—Uniform Forms. The Forms listed here are for administrative use in the assembly of a docket. They are not published in the Federal Register. These forms can be obtained through any FmHA Office.

§ 1901.701 Purpose.

This Instruction provides the procedures to implement the provisions of the Office of Management and Budget (OMB) Circular A–111 which was issued pursuant to the Joint Funding Simplification Act of 1974 (P.L. 93–510), and Executive Order 11893, dated December 31, 1975. Circular A–111 pertains to the joint funding of related programs of Federal Assistance to State and local governments and non-profit organizations. It also provides applicants with guidance for use in proceeding with their applications. The Farmers Home Administration (FmHA) shall cooperate with State and substate A–95 Agencies in considering their comments and priority recommendations in the selection of applications for joint funding.

§ 1901.702 Policy.

This regulation shall be followed when an applicant specifically applies for joint funding from FmHA.

§ 1901.703 Scope.

This instruction shall apply only to the following FmHA programs:

Program:	*Federal domestic assistance catalog number*
Water and Waste Disposal Development Grant (WWD)	10.418
Industrial Development Grant (ID)	10.424
Farm Labor Housing Grant (LH)	10.405

§ 1901.704–1901.705 [Reserved]

§ 1901.706 Definitions.

For the purpose of this instruction:

(a) *Applicant*: Any State or local government or private, nonprofit organization, or Indian tribes on Federal and State reservations and other Federally recognized Indian tribes acting separately or together in seeking assistance with respect to a single project.

(b) *Federal agency*: Any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States.

(c) *Federal assistance programs*: Federal programs that provide financial assistance through grant or contractual arrangements, but does not include assistance in the form of General Revenue Sharing, loans, loan guarantees, or insurance.

(d) *Joint funding projects*: Any undertaking whether of a temporary or continuing nature that includes components proposed or approved for assistance under more than one Federal Program, or one or more Federal Programs and one or more State programs, provided each of those components contributes materially to the accomplishment of a single purpose or closely related purpose.

(e) *Lead agency*: A Federal participating agency designated to coordinate the participation of all Federal Agencies involved in a joint funding project, and to act as the applicant's primary contact for all administrative matters related to the project. (It will be necessary that FmHA serve as the lead agency when both an FmHA loan and grant are being provided.)

(f) *Local government*: Any local unit of Government including a city, county, parish, town, township, village, school or other special purpose District, Council of Governments, or other agency or instrumentality of a local unit of Government.

(g) *Management fund agency*: A Federal Agency responsible for the administration of the management fund.

(h) *Nonprofit organization*: Corporations operated on a not-for-profit basis in accordance with applicable State statutes.

(i) *Participating agency:* Any Federal, State or other agency which provides, or will provide, financial assistance to a jointly funded project at some time during the funding period for the project.

(j) *State:* Any of the several States of the United States, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, and any tribe as defined in Section 3(c) of the Indian Financing Act (88 Stat 77).

§ 1901.707 Applicant eligibility.

(a) *Water and Waste Disposal Development Grants.* Applicants desiring to obtain Water and Waste Disposal Development Grants from FmHA through the use of joint funding assistance must meet the eligibility requirements for such grants set forth in Part 1823 Subpart P of this Chapter (FmHA Instruction 442.13, Appendix A).

(b) *Industrial Development Grants.* Applicants desiring to obtain Industrial Development Grants from FmHA through the use of joint funding assistance must meet the eligibility requirements for such grants set forth in Part 1823 Subpart 0 of this Chapter (FmHA Instruction 442.12, Appendix A).

(c) *Farm Labor Housing Grants.* Applicants desiring to obtain Farm Labor Housing Grants through the use of joint funding assistance must meet the eligibility requirements for such grants set forth in Part 1822 Subpart E of this Chapter (FmHA Instruction 444.6).

(d) *Other agencies (State or Federal).* The eligibility requirements as set forth in enabling legislation or Agency regulations for grants from any other Agency, either Federal or State, shall apply to its funded portion of the overall project. It shall be the applicants responsibility to consult with any Agencies whose requirements are not known.

§ 1901.708 Use of grant funds.

(a) *Water and Waste Disposal Development Grant Funds.* Water and Waste Disposal Development Grant Funds issued through joint funding assistance will be used only for the purposes set forth as eligible grant purposes in Part 1823 Subpart P of this Chapter (FmHA Instruction 442.13, Appendix A).

(b) *Industrial Development Grant Funds.* These funds issued through joint funding assistance will be used only for the purposes set forth as eligible grant items in Part 1823 Subpart P of this Chapter (FmHA Instruction 442.12 Appendix A).

(c) *Farm Labor Housing Grants.* These funds issued through joint funding assistance will be used only for the purposes set forth as eligible grant items in Part 1822 Subpart E (FmHA Instruction 444.6).

(d) *Other agency grant funds.* The use which the applicant may make of other State and Federal Grant funds will be determined by the applicable Agency requirements for the use of those funds. It shall be the applicant's responsibility to consult with any Agencies whose requirements are not known.

§ 1901.709 Preapplication processing.

(a) *Federal Regional Councils.* Applicants who wish to obtain joint funding assistance will complete the required preapplication forms and submit to the appropriate Federal Regional Council (FRC) in which the proposed project is located. If the proposed project includes assistance from State sources, the applicant will submit a copy of the preapplication to the appropriate State Agency. See Exhibit A of this Subpart for a list of FRC's, including addresses and States served.

(b) *Preapplication forms.* Applicants who wish to obtain FmHA assistance for a joint funded project will complete a preapplication using Guide 1 (Form AD 621, Preapplication for Federal Assistance). County Supervisors will provide assistance to the applicant as necessary in completing the preapplication.

(c) *Supplemental information.* The applicant will provide the following supplemental information along with the preapplication.

(1) Identification of all programs and agencies from which assistance is requested.

(2) A–95 clearinghouse comments and priority recommendations. The County Supervisor will inform the applicant that clearinghouse comments are required at the first contact and will assist the applicant as necessary, in filing a written "notice of intent" with the appropriate A–95 clearinghouse agencies.

(3) A narrative justification of the need for jointly funded assistance. The justification must indicate that a re-

lationship exists among the programs cited through a commonality of purpose and that the selected funding agencies have the ability to support the applicant's overall strategy to achieve a common stated objective.

(4) The applicant should specify in detail any special timing considerations which may affect the feasibility of the proposed project.

(5) Preliminary Engineering or Architectural Report for construction type projects.

(6) Indication of, and request for agency review of any Federal or State program requirement the applicant considers to be a serious impediment to the joint support of the proposed project.

(7) Verification by an independent public accountant or authorized Federal agency or appropriate State regulatory agency that the applicant has or can develop an accounting system whereby separate records may be kept for each separate Federal or State program involved to include any appropriations. The applicant must certify that it has such record keeping capability before an award of jointly funded assistance can be made. Full consideration will be given to recent audits of the applicant's financial management system in meeting this requirement.

(8) Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(d) *Actions by Federal Regional Councils.* (1) The FRC in the region in which the applicant is located will receive all preapplications for jointly funded assistance, except when an applicant has been advised by the FRC to submit the preapplication directly to a specific agency (Federal or State).

(2) The FRC will coordinate review of the preapplications by Federal and State agencies from which funds are being requested. If appropriate, FRC may request an individual Federal Agency to coordinate the review.

(3) The FRC will designate a lead agency for the project.

(4) Appoint a coordinating officer. When a project is accepted for joint funding assistance, the FRC or a Federal agency designated by the FRC will appoint a coordinating officer to oversee the preapplication review. The coordinating officer will:

(i) Serve as the applicant's primary Federal contact during the preapplication review period.

(ii) Determine that the preapplication meets necessary requirements and contains all required information.

(iii) Provide copies of the preapplication to all appropriate Federal and State agencies.

(iv) Establish an official project file.

(v) Assist applicants in locating supplemental or alternative sources of Federal support for the proposed project.

(vi) Receive separate agency reviews of the preapplication and in consultation with the agencies concerned prepare a consolidated review summary to the FRC for transmission to the applicant.

(e) *Agency preapplication review.* (1) The FmHA will review the preapplication to assess:

(i) Feasibility of the proposed project and if it is consistent with FmHA policies and regulations for the type of project involved.

(ii) The degree to which the applicant has properly demonstrated a relationship between the programs included in the joint funding project.

(iii) The competitiveness of the proposed project with similar requests for FmHA grant funds.

(iv) Additional information may be requested from the applicant as necessary to assure a proper review of the preapplication.

(2) Within 45 calendar days for construction type projects (30 days for others), FmHA, after reviewing the preapplication, will send a notice of preapplication review using Guide 2 (AD–622, Notice of Preapplication Review Action) to the coordinating officer. The review notice will include at least the following:

(i) FmHA case number, if assigned, for the project.

(ii) Acceptance or rejection of the project. If the project is accepted for further consideration the estimated amount of anticipated funding will be set. If the project is rejected for joint funding an indication will be included whether FmHA will consider the project under its regular grant programs.

(iii) The extent to which any special timing considerations requested by the applicant can be accommodated and the impact such action may have on the feasibility of providing funding.

(iv) Action taken with respect to the program requirements identified by the applicant or FmHA reviewing official as serious impediments to joint funding of the project.

(v) An "Environmental Impact Assessment" (Form FmHA 440–46) will be completed in accordance with Part 1901 Subpart G (FmHA Instruction 1901–G) during the preapplication review and then the FmHA State Director will make a determination regarding the need for an environmental impact statement.

(vi) Special requirements including necessary forms and instructions to process a formal application for the proposed project.

(vii) Date, time, and place for the proposed preapplication conference.

(viii) Name of the FmHA official to represent FmHA on the project task force as named by the State Director.

(ix) Whether FmHA is willing to serve as lead agency for the project.

(xi) Any additional pertinent information as requested.

(f) *Notification to applicant.* The coordinating officer, within 15 working days of receipt of the agencies' reviews and in consultation with the participating agencies, will consolidate all reviews into a single notice. The notice will then be submitted to the FRC chairman who will transmit it to the applicant. Copies will also be sent to A–95 clearinghouse agencies.

(1) The notice to the applicant will include: (i) Items required for a formal project application.

(ii) Special requirements identified by the agencies.

(iii) Lead agency designation to include name of the project manager designated by the lead agency. If FmHA is the lead agency, the State Director will name the project manager.

(iv) Disposition of any requests by the applicant for special timing of special eligibility considerations.

(v) List of task force members as established by FRC.

(2) If the proposed project is not considered favorably, the notice shall indicate:

(i) The reasons why the review was unfavorable.

(ii) Which Federal agency, if any, will provide technical assistance to the applicant to refine the proposal.

(iii) Whether FmHA will consider accepting the project for funding under its regular programs.

(g) *Joint funding task force.* When a preapplication for jointly funded assistance has been reviewed favorably, the FRC shall establish a project task force consisting of representatives from each participating Federal and State agency and designate a lead agency for the project. The State Director will designate the task force member and will appoint a project manager if FmHA is designated as the lead agency. The project manager will convene and chair the task force meetings.

(h) *Preapplication conference.* As soon as possible after the applicant has been notified of favorable review action on its project, the lead agency shall arrange for a preapplication conference. The applicant, its representatives and members of the project task force should attend. The following should be accomplished:

(1) Opportunity for the applicant to meet the task force members and to discuss collective and individual requirements necessary to process a formal project application.

(2) The basic application forms, appropriate FmHA instructions and contract documents, and any other pertinent material should be distributed and discussed.

(3) Any problems of timing or impediments to joint funding should be fully discussed and solutions reached.

(4) If an environmental impact statement is necessary and FmHA is the designated lead agency, the FmHA project manager will proceed in accordance with Part 1901 Subpart G of this Chapter (FmHA Instruction 1901–G).

§ 1901.710 Application policies and procedures.

(a) *Application forms and materials.* When FmHA is the lead agency, the project manager will assist the applicant in the completion of Guide 3 (AD–624, Application for Federal Assistance for Construction Programs) and all other items necessary for application processing. Joint funding projects shall be justified

and applied for by providing a narrative justification and other documentation of the need for joint funding assistance. The justification narrative statement will include:

(1) Demonstration that a relationship exists between the agency programs involved.

(2) The applicant's objectives of the joint funding project must be set forth and be clearly obtainable. Usually, objectives will be stated in terms of the fulfillment of broad public needs, the alleviation of major problems or the accomplishment of specific public tasks.

(3) The applicant must provide necessary plans and specifications and budgets which indicate accurately the scope of the project. Normally, a preliminary engineering or architectural report will be submitted with the preapplication for construction type projects. These preliminary reports will be expanded as necessary into complete plans and specifications during the application processing period. Budgets which accurately reflect the proposed operation of the project will be completed by the applicant. Guide 3 and Form FmHA 442–7, "Initial Operating Budget," may be used if appropriate.

(4) *Supplemental information.* Supplemental information should include:

(i) Any special requirements or information identified by FmHA or other joint funding agency.

(ii) Notice of any unresolved special timing consideration which may affect the feasibility of the project.

(iii) Any other pertinent material.

(b) *Application processing.* (1) The applicant shall submit the completed application to the lead agency with a copy to any state agencies involved.

(2) The lead agency shall arrange for and conduct a preaward survey of the applicant's financial management system. FmHA must approve the survey results before any grant award is made. Any cost of the verification must be paid by the applicant.

(3) The lead agency is responsible for assuring that adequate financial management controls are exercised over joint funding operations. When FmHA is the lead agency, the supervised bank account procedure set forth in Part 1803 of this Chapter (FmHA Instruction 402.1) may be used via the Loan Disbursal Section (LDS). Any owner contribution should be properly accounted for any may be placed in a supervised bank account if appropriate.

(4) The lead agency through the project manager shall: (i) Call and chair task force meetings.

(ii) Serve as primary contact point with the applicant and funding agencies during application processing.

(iii) Coordinate review and approval of the application and all related materials by the participating agencies.

(iv) As necessary, and in conjunction with participating agencies, assist the applicant in completing necessary documents and accumulation of materials.

(v) Receive participating agency review comments on the application and, in consultation with the task force, prepare a consolidated notice of approval and grant or a notice of disapproval.

(vi) Establish and maintain an official file in accordance with Part 2033 Subpart B of this Chapter (FmHA Instruction 2033–B available in any FmHA Office).

(vii) Assure that copies of the application are provided all members of the task force.

(5) Participating Federal and state agencies shall each have a representative on the project task force and will assist in the overall project coordination and provide technical guidance regarding the requirements of the individual agencies. Upon receipt of the application the FmHA representative shall:

(i) Review the application to assure that the project meets FmHA requirements.

(ii) Notify the project manager in writing if FmHA will not be able to meet the established deadline for application review completion.

(iii) Determine if FmHA can accommodate any special timing considerations requested by the applicant.

(iv) Identify any FmHA program requirements which may be impediments to the joint funding of the project and to determine if these impediments can be satisfactorily resolved.

(v) Provide the applicant with a detailed list of FmHA requirements for project approval and provide any necessary assistance the applicant may need in meeting these requirements.

(6) Federal Regional Councils shall monitor application processing and will provide a forum for the resolution of specific interagency issues which may arise.

(c) *Application approval.*—(1) *Agency notification.* When FmHA completes its review of the project proposal, it will notify the project manager of its decision regarding approval or disapproval. If FmHA is the lead agency, the project manager will receive and consolidate action notices from other agencies. If FmHA approves the joint funding project, it will:

(i) Obligate grant funds using Form FmHA 440–1 "Request for Obligation of Funds," in accordance with the applicable FmHA instructions involved.

(ii) Complete Guide 8 (Joint Funding Program Participating Agency Grant Award Notice) and submit this form to the lead agency project manager. The project manager should also be advised that he must not send the Notice of Joint Funding Award to the applicant until receipt of a conformed copy of Form FmHA 440–1 from FmHA. He should also be advised as to the date the Notice of Joint Funding Grant Award and the copy of Form FmHA 440–1 should be received by the applicant.

(iii) Indicate any special conditions to which approval may be subject.

(iv) Indicate final disposition or action of any program requirements identified by the applicant as impediments to joint support of the project.

(v) Indicate in detail any delegation of powers to another agency. Such delegation will be made by the State Director only after prior approval of the National Office. Such delegations may be made only on the conditions which assure that FmHA's enabling legislation is not being violated. Such delegation does not relieve FmHA of the responsibility for the proper and efficient management of projects funded with FmHA grant funds.

(vi) Indicate the financial and program reporting requirements applicable to the particular project. Normally, these reports will be the same as those required by the type of FmHA program involved.

(2) *Project disapproval.* If FmHA rejects the applicant's request, it will provide detailed reasons for such rejection.

(3) *Task force consolidation of agency actions.* After each agency involved has completed its review, the project manager will convene the task force to resolve such issues as follows:

(i) Is there sufficient justification for the use of joint funding?

(ii) Would it be more beneficial to the applicant for it to use individual grant programs in lieu of joint funding?

(iii) Working out uniform requirements which will conform to the policies and regulations of each participating agency.

(iv) Meetings with applicant, as necessary, to work out any details before grant award.

(4) *FmHA approval announcement.* After the FmHA funds are obligated, the FmHA State Office will follow Part 2015 Subpart C (FmHA Instruction 2015–G available in any FmHA Office) in announcing the grant approval to congressional offices. Part 1901 Subpart J (FmHA Instruction 1901–J) will also be followed to notify the State Central Information Reception Agency (SCIRA) about the financial assistance being provided.

(5) *Approval announcement.* If the project is approved by all participating agencies and upon receipt of Form FmHA 440–1 from FmHA, the project manager will prepare a single notice using Guide 9 (Format for Notice of Joint Funding Award) and forward to the applicant. If the project is disapproved, a letter setting forth the reasons will be sent to the applicant. The manager will coordinate notification of congressional offices as required.

(6) *Subsequent grants.* Any necessary subsequent FmHA grants needed to complete or expand the project will be processed in accordance with this instruction.

§ 1901.711 Project management policies and procedures.

(a) *Lead agency functions.* The lead agency will coordinate grantor agency participation in the project and will serve as the grantee's primary contact for all administrative matters related to the project. The lead agency shall be responsible for the necessary costs of services in administering the jointly funded project unless other arrangements are negotiated with the participating agencies for sharing of funds, services or materials to aid in the administration of the jointly funded project.

(b) *Joint management fund.* The lead agency shall arrange for the establishment of a joint management fund. When FmHA is the lead agency, the joint management fund will be established in the Finance Office and all funds except the owner's contribution will be disbursed by the Loan Disbursement System (LDS).

(c) *Project administration and coordination.* The lead agency shall administer and coordinate the project on behalf of participating grantor agencies. However, neither the lead agency (except for its own funds) nor the Federal Regional Council shall make any decision concerning the participation or amount of assistance provided by any grantor agency. Further, the lead agency shall not evaluate or suggest corrective actions related to grantee performance of project components supported by any program other than those of the lead agency. However, this does not relieve the lead agency of the responsibility of informing participating agencies of any problems which may arise and assisting in the resolution of such problems. The lead agency will maintain an official project file, convene and chair task force meetings, receive program reports required of the grantee, and make distribution of such reports to grantor agencies.

(d) *Grantor agencies.* Participating grantor agencies shall be responsible for:

(1) *Statutory accountability.* Participating grantor agencies are responsible for ensuring that funds each agency provides through joint funding arrangements are disbursed and expended properly and in a manner consistent with applicable laws and regulations. When FmHA is a participating agency, applicable FmHA Instructions for the type of grant involved will apply.

(2) *Project monitoring.* When FmHA is a participating agency, it will monitor the project development and construction through regular inspection visits to the project site. Inspection will be completed and documented in accordance with Part 1933 Subpart A (FmHA Instruction 1933–A, Appendix B available in any FmHA Office) and Part 1804 Subpart A (FmHA Instruction 424.1) as appropriate.

(3) *Reports.* The grantee will be responsible for preparing all financial reports on the accrual basis. In addition, the grantee must provide the lead agency with a reconciliation between the financial reports and any required program statistical reports for the same period. FmHA will review all financial and program reports of the grantee which are submitted through the lead agency. FmHA will notify the project manager within 15 working days of receipt of acceptance of the reports or a statement of any problems or discrepancies noted and possible solutions to the problems.

(4) *Administrative support.* FmHA will provide administrative support to the lead agency if necessary and available.

(5) *Technical assistance and training.* When FmHA is a participating agency, it will provide technical assistance and training to the grantee as necessary to assure the successful completion of the FmHA funded portion of the project. The planning and performance of development for WWD and ID grants will be handled in accordance with Part 1933 Subpart A (FmHA Instruction 1933–A, Appendix B available in any FmHA Office) for the FmHA funded portion of the project and Part 1804 Subpart A (FmHA Instruction 424.1) for Farm Labor Housing grants.

(e) *Federal Regional Councils.* The Federal Regional Councils will maintain continuing oversight of jointly funded projects within their geographic area of responsibility and will also continue to provide a forum for the resolution of interagency issues. Any problems which can not be solved will be brought before the FRC by the project manager. Upon any significant change in the project such as changes in the nature or scope of the project, the project task force shall:

(1) Evaluate the project to determine if joint funding assistance should be continued.

(2) Determine if a new lead agency should be recommended to the Federal Regional Council.

(3) Consider and implement appropriate arrangements to assure continuing administration of unexpended funds in the joint management funds.

(f) *Grantee responsibility.* The grantee is responsible for carrying out the jointly funded project in accordance with the terms and conditions set forth in the grant award notice including the establishment of accounting records which will permit the identification of all charges to the individual Federal or State agency program. The grantee is responsible for the establishment of accounting records for any secondary recipients to which grant funds may be passed on to.

§ 1901.712 Management fund.

(a) *Transfer of Federal funds.* When the project application is approved for funding, the lead agency will coordinate the transfer of designated funds from each participating agency into the management fund.

(1) When FmHA is the lead agency, FmHA will initiate the transfer of funds. The following procedures will apply:

(i) The State Director will notify the National Office Budget Division that a joint funding assistance project has been approved and that FmHA is the lead agency. The State Director's notice will indicate the Federal and State agencies involved and will state the amount of each agencies' participation.

(ii) The National Office Budget Division will make the necessary contacts and arrangements for the transfer of funds from Federal agencies to the FmHA Finance Office. This transfer will be accomplished through the use of Standard Form 1151, "Nonexpenditure Transfer Authorization".

(iii) The State Director will execute on behalf of FmHA any project management agreements or other interagency agreement which may be necessary in connection with the transfer of funds.

(iv) Once all Federal agency funds have been transferred to the FmHA Finance Office, the County Supervisor will order advances as required for orderly development of the project. The multiple advance method of obtaining funds from the Finance Office will ordinarily be used.

(v) Advances for joint funding projects will be handled as provided for in § 1901.711(b).

(vi) The FmHA Finance Office will establish administrative subaccounts for each project. Each agency's funds will *not* lose their identity. The Finance Office will establish a formula for distribution of funds based upon a percentage of the total project each agency is financing. When the County Office requests funds using Form FmHA 440–57, the Finance Office will issue a lump sum Treasury check for the amount requested but will reduce each subaccount its proportional percentage.

(vii) The State Director will coordinate the transfer of State agency funds into the management fund account for each project.

(viii) The State Director will assist the National Office Budget Division as necessary in conforming to the financial reporting requirements for transferred funds.

(2) When FmHA is only a participating agency, funds will be transferred to the lead agency through the National Office Budget Division using Standard Form 1151 as required for the orderly development of the project and placed in the management fund account under the control of the lead agency. When FmHA is providing both loan and grant funds, it will be necessary that FmHA be the lead agency since the transfer of loan funds to another agency is not anticipated.

(b) *Management fund procedures.*

(1) The approved grant award funds represent budgetary and obligation authority to the grantee for the funding period. The award letter sent to the grantee will serve as evidence of the obligation for the joint funding project. A copy of the grant award notice shall be provided to participating agencies and to the Federal Regional Council.

(2) Upon issuance of the joint funding award letter, the lead agency assumes the responsibility for establishing the management fund and other funding arrangements as necessary.

(3) The lead agency may delegate to another participating Federal agency the powers and functions necessary to administer the management fund. Such delegation may be made only on such conditions as may be appropriate for the proper and efficient management of project funds. Such delegation by the lead agency does not relieve the heads of any participating agencies of the responsibility to account for disbursement of agency funds in a manner consistent with applicable laws and regulations.

(4) The management fund agency is responsible for reporting joint funding transactions in accordance with the U.S. Department of Treasury Fiscal Requirements Manual and subsequent bulletins.

The management fund agency must be a Federal agency because accessibility to the U.S. Department of Treasury central accounting and reporting system is required. However, the management fund agency acts as a broker for the Federal funds in the joint project. Funds do not lose their identity in the management fund and are available only for use by the jointly funded grantee. When another agency is the management fund agency, that agency will be required to submit monthly reports of obligations and expenditures to FmHA.

(5) *Treasury reporting requirements for joint funding transactions.* The lead agency will be responsible for meeting all Department of the Treasury reporting requirements for joint funding transactions involving the use of the joint management fund. These requirements are contained in the Department of the Treasury Fiscal Requirements Manual.

§ 1901.713 Federal-State agreements.

The FmHA State Directors shall encourage and assist with agreements whereby joint funding procedures are extended to projects involving assistance from one or more Federal agencies and one or more State agencies. Such agreements may include agreements for the processing of requests for assistance on a joint basis, preapplication and application processing, establishment of coordinated Federal—State review and approval schedules and other agreements which will more effectively and efficiently combine Federal and State resources in support of projects of common interest.

§ 1901.714 Joint funding audits.

(a) *General.* The preaward survey required in paragraph 1901.710(b)(2) may be waived in those cases where participating agencies are satisfied that the applicants financial management system is adequate for joint funding. If a preaward survey is conducted, the audit agency performing the survey shall be given at least 30 calendar days prior to the joint funding grant award to complete the survey and submit its findings to the lead agency.

(b) *Interim audit—new projects.* If deemed necessary, the lead agency shall arrange for the grantee to have an interim audit 6 months after the grant award is made. The interim audit is to ensure that the grantee's financial management system is operating effectively.

(c) *Periodic audits.*

(1) The lead agency shall arrange for the grantee to have an annual audit of the project one year after the grant award or at the completion of construction whichever shall occur first. Thereafter, when FmHA is the lead agency, an annual audit shall be completed by the grantee. When State agencies are involved, the lead agency shall coordinate with such State agencies regarding arrangements for the conduct of the required audit. The lead agency may utilize audit reports prepared in accordance with appropriate State Statutes or regulations in meeting this audit requirement provided such audit reports contain the financial information necessary and are proposed on a frequency sufficient to meet the above requirements. Audit reports shall be prepared preferably by the State auditor or at his direction. If this is not practical, audit reports will be prepared by an independent public accountant who is certified or licensed on or before December 31, 1970, by a regulatory authority of a State or other political subdivision of the United States. The cost of the interim and initial audits may be included as eligible grant purpose items for FmHA grant program covered by this Instruction. The cost of future audits is the responsibility of the grantee. The lead agency may request audit reports on a more frequent schedule if deemed necessary to assure proper use of grant funds.

(2) The lead agency will furnish copies of audit reports to each grantor agency, the Federal Regional Council, and the grantee as soon as possible after completion of the audit.

(d) *Access to records.* The lead agency (management fund agency), the comptroller general of the United States, and the Office of Audit or any of their duly authorized representatives shall have access to inspect, audit and examine and make copies of, any books, documents, papers and records of any jointly funded project.

(e) *Grantee responsibilities.* After the initial annual audit it will be the grantees responsibility to conduct or arrange for, audits with a frequency as determined by the lead agency to assure satisfactory operation of the grantees financial management system and the overall project. The grantee is further responsible for timely and appropriate resolution of audit findings. Failure by the grantee to correct noted deficiencies within an agreed upon time period may be cause for suspension or termination of all or portions of the joint funding award.

(f) *Audit follow-up procedures.* The lead agency shall assume overall responsibility for assuring appropriate action is taken in response to audit findings and recommendations. Each participating agency is responsible for the resolution of specific audit items and to determine corrective action necessary. The lead agency will arrange for joint meetings as necessary to resolve deficiencies. Participating agencies will report any actions taken to the lead agency. If any audit actions causes a substantial change in joint funding policies or procedural requirements, the lead agency will notify the Office of Management and Budget (IRRO) Washington, DC 20503.

§ 1901.715–1901.718 [Reserved]

§ 1901.719 State supplements.

(a) *State instructions.* State Directors may supplement this instruction, and its Exhibits as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements more restrictive than those contained in Part 1823 Subparts O and P or Part 1822 Subpart E (FmHA Instructions 442.12, 442.13 or 444.6).

(b) *State guides.* State Directors may develop guides for use by applicants if necessary. The attached guides may be used as is or may be modified as necessary to meet State laws or regulations.

§ 1901.720–1901.750 [Reserved]

EXHIBIT A.—*Federal Regional Councils—Jointly funded grant assistance to State and local governments and non-profit organizations*

FRC region	States in FRC	Address
I-Boston	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Federal Regional Council of New England, Room E-431, JFK Federal Bldg., Boston, Mass. 02203.
II—New York City	New Jersey, New York, Puerto Rico, Virgin Islands.	FRC, Room 3543-A, Federal Plaza, New York, N.Y. 10007.
III—Philadelphia	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, D.C.	Mid-Atlantic FRC, 4450 Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.
IV—Atlanta	Atlanta, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.	S.E FRC, Room 515, 1371 Peachtree St., NW., Atlanta, Ga. 30309.
V—Chicago	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	FRC, 18th floor, 300 South Wacker Dr., Chicago, Ill. 60606.
VI—Dallas	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	SW FRC, Room 9C-28, 1100 Commerce, Dallas, Tex. 75242.
VII—Kansas City	Iowa, Kansas, Missouri, Nebraska	Mid-Continent FRC, Room 634, 601 East 12th St., Kansas City, Mo. 64106.
VIII—Denver	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	Mountain Plains FRC, Federal Bldg., 1961 Stout St., Denver, Colo. 80202.
IX—San Francisco	Arizona, California, Guam, Hawaii, Nevada.	Western FRC, P.O. Box 36098, 450 Golden Gate Ave., San Francisco, Calif. 94102.
X—Seattle	Alaska, Idaho, Oregon, Washington	Northwest FRC, 1321 2d Ave., Seattle, Wash. 98101.

EXHIBIT B—UNIFORM FORMS

JOINTLY FUNDED GRANT ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS

Joint funding projects shall use existing forms for regular grant program as much as possible. FmHA jointly funded project dockets shall include the following as appropriate:

1. Guides 1 through 9 will be used as appropriate for preapplication and application processing. Guides consist of:

a. Guide 1—Form AD 621, Preapplication for Federal Assistance (Joint Funded Projects)

b. Guide 2—Form AD 622, Notice of Preapplication Review Action (Joint Funded Projects)

c. Guide 3—Form AD 624, Application for Federal Assistance (Jointly Funded Projects) including all Budget Information such as Section "B", Budget Categories, assurances and other information as necessary.

d. Guide 4—Form AD 626, Financial Status Report (Joint Funded Projects)

e. Guide 5—Form AD 627, Report of Federal Cash Transactions (Joint Funded Projects)

f. Guide 6—Form AD 628, Request for Advance or Reimbursement (Joint Funded Projects)

g. Guide 7—Form AD 629, Outlay Report and Request for Reimbursement for Construction Programs (Joint Funded Projects)

h. Guide 8—Joint Funding Program Participating Agency Grant Award Notice (Joint Funded Projects)

i. Guide 9—Guide Letter—Format for Notice of Joint Funding Award.

2. All Forms, documents and other materials as required for the particular type FmHA grant funds involved and as indicated in Part 1823 Subpart O and P or Part 1822 Subpart E (FmHA Instructions 442.12, 442.13 or 444.6) as appropriate.

3. State Forms as appropriate.

This Exhibit is prepared only as a guide for use by the State Director in the preparation of documents which will inform applicants and FmHA personnel of the items to be included in the docket. State Directors may need separate documents for each different type applicant such as municipalities, districts, and non-profit corporations.

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

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

Date: November 1, 1977.

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

[FR Doc.77-32643 Filed 11-9-77;8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Eligibility for Financial Assistance by Cable TV and Radio and Television Broadcasters

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: SBA is considering a change in the present loan regulations which bars financial assistance to radio and television broadcasters, and limits assistance to Cable TV operators. The proposed change would make SBA direct or participation loans available to finance the acquisition of new or existing broadcasting stations or of Cable TV operators licensed or regulated by the Federal Communications Commission (FCC). The present limited eligibility for Cable TV would be replaced by the new acquisition eligibility. Except to the extent set forth in the proposed regulation, the ineligibility of broadcasters and Cable TV for financial assistance would remain unchanged.

DATE: Comments must be received on or before December 12, 1977.

ADDRESS: Written comments should be directed to the Associate Administrator for Finance and Investment, Small Business Administration, Washintgon, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Howard S. Cooper, Attorney-Adviser, Office of General Counsel, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6377.

SUPPLEMENTARY INFORMATION:

It has been SBA's long established busines loan policy, set forth in 13 CFR § 120.2(d)(4), that enterprises engaged in the dissemination of ideas or values are ineligible for SBA's financial assistance. Tihs policy avoids the appearance of any Government influence on the free expression of ideas or opinions. The policy has precluded assistance to newspaper, book or magazine publishers, film or tape producers, radio or television broadcasters, and Cable TV operators engaged in program origination.

The proposal to make an exception to this policy for the purchase or construction of broadcasting stations or Cable TV systems is based upon the existing Government supervision by the FCC. It assumes that providing loans to acquire such Federally licensed or regulated entities would not cause any significant increase in Government interference. Therefore, the exception would be made because broadcasting and Cable TV are Government regulated industries.

The proposal is intended to increase the participation of small business concerns in the broadcasting industry.

Accordingly, SBA assistance must assure operation of the broadcasting facility, and will not be provided where no such assurance exists. Such assurance would include, but would not be limited to, issuance of the necessary license or certificate by the FCC.

Prior to the final adoption of this proposed rule, a small business size standard for radio and television broadcasters will be published in Part 121 of this chapter.

Pursuant to the authority of section 5 of the Small Busines Act, as amended, 15 U.S.C. 634, it is proposed to amend Part 120 of Title 13, CFR, in the manner set forth below:

1. Section 120.2(d)(4) would be revised as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(4) If the applicant is engaged in the creation, origination, expression, dissemination, propagation, or distribution of ideas, values, thoughts, opinions or similar intellectual property, regardless of medium, form, or content. Financial assistance to such applicants is barred in order to avoid Government interference, or the appearance thereof, with the constitutionally protected freedoms of speech and press: *Provided, however,* That nothing herein shall preclude financial assistance to any otherwise eligible applicant engaged in one or more of the following activities: * * *

2. Paragraph (d)(4)(v) of § 120.2 would be replaced by a new paragraph (d)(4)(v), as folows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) * * *

(4) * * * (v) Broadcasting: The acquisition of a radio, television, or Cable TV facility licensed or approved by the Federal Communication Commission; *Provided, however,* That with SBA's assistance such facility must be a fully operational commercial facility."

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012.)

Dated: November 3, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-32518 Filed 11-9-77;8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-37-AD]

AIRWORTHINESS DIRECTIVES

AiResearch Model TPE 331-1, -2, -3, -5, and -6 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) which will require the replacement of the propeller pitch control sleeve assembly on certain AiResearch engines to prevent an unanticipated asymmetric thrust during landing operation of twin engine aircraft.

DATES: Comments must be received on or before December 19, 1977.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

AiResearch Service Bulletin TPE331–72–0115, Revision 1, dated September 26, 1977, and AiResearch Operating Information Letter No. OI331–9, dated August 30, 1977, may be obtained from: AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, Ariz., 85010, Telephone: 602–267–3011.

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. 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. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has been made aware of at least three occurrences of a propeller pitch control sleeve assembly cam follower pin failure on the TPE331 series engine which resulted in the pilot being unable to maintain directional control of the aircraft during landing. During normal takeoff and flight the propeller governor senses engine RPM and selects the propeller blade angle pitch needed to keep the engine at a constant speed. As the cockpit power lever is moved rearward from flight idle toward reverse the authority of the propeller pitch is transferred from the propeller governor to the propeller pitch control. This is referred to as transferring into "beta mode" of operation. In "beta mode" the cam follower pin on the propeller pitch control sleeve assembly is located by a linkage to the cockpit power lever. As the power lever is moved toward reverse, the pitch control came moves the follower sleeve allowing high pressure engine oil to drive the propeller to the reverse blade angle pitch. Failure of the cam follower pin results in the propeller blade remaining at a forward thrust blade angle when the power lever is moved below the flight idle position. This can result in an unsafe asymmetric thrust condition during landing or an aborted takeoff when reverse thrust is selected on both engines.

AiResearch has developed a strengthened propeller pitch control cam follower pin design which is introduced by Service Bulletin TPE331–72–0115, dated April 12, 1977. The new propeller pitch control sleeve assembly can be replaced without the necessity of engine or main gear box disassembly. The Manufacturer has demonstrated that this strengthened pin design will reduce the possibility of propeller pitch control malfunction. Due to the probability that the aircraft will experience asymmetric thrust sufficient that the pilot will be unable to maintain directional control of the aircraft during landing if the propeller pitch control cam follower pin fails during a flight, it is considered reasonable to require the replacement of the sleeve assembly. A further requirement is to assure that all affected engines are eventually modified to accomplish Service Bulletin TPE 331–72–0015, Revision 1, no later than next engine overhaul, within 500 hours time in operation, or prior to April 1, 1979, whichever comes first.

AiResearch has also made available Operating Information Letter No. OI 331–9, dated August 30, 1977, in which they both describe indications by which the pilot might recognize an engine with a failed propeller pitch control cam follower pin and recommend appropriate procedures which the pilot may take to reduce the magnitude of the asymmetric thrust condition. It is recommended that owners and operators should obtain and familiarize themselves with these instructions.

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, 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:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA: Applies to AiResearch Model TPE331–1, –2, –3, –5, and –6 series engines.

Compliance required as indicated.

To prevent failure of the propeller pitch control cam follower pin accomplish the following:

(1) Within the next 500 hours time in service after the effective date of this airworthiness directive, or prior to April 1, 1979, or at next engine overhaul, whichever comes first, unless already accomplished, remove propeller pitch control sleeve assembly Part Number 869647–1, –2, or –3 from the engine and replace it with a serviceable propeller pitch control sleeve assembly part number 869647–4 or other later FAA approved sleeve assembly in accordance with AiResearch Service Bulletin TPE331–72–0115, Revision 1, dated September 26, 1977, or later FAA approved revision.

(2) Equivalent procedures and/or limits may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(3) Special flight permits may be issued per FAR 21.197 and 21.199 to authorize operation of aircraft to a base where this modification required by this AD may be performed.

(Secs. 313(a), 601, and 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)); and 14 CFR 11.85.)

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

Issued in Los Angeles, Calif. on November 2, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77–32532 Filed 11–9–77;8:45 am]

[4910–13]

[14 CFR Part 71]

[Docket No. 77–SO–51]

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

Proposed Alteration of Transition Area, Atlanta, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: A public use Standard Instrument Approach Procedure, RNAV Runway 27, is being developed for the McCollum Airport, Marietta, Georgia, and additional controlled airspace is required for containment of IFR operations. This proposed rule will alter the Atlanta, Georgia, transition area by lowering the base of controlled airspace in the vicinity of the McCollum Airport from 1,200 to 700 feet.

DATE: Comments must be received on or before December 16, 1977.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief,

Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Atlanta, Georgia, transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at McCollum Airport.

DRAFTING INFORMATION

The principal authors of this document are Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, and Ronald R. Hagadone, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

ATLANTA, GA.

Within a 10.5-mile radius of McCollum Airport, Marietta, Georgia (Lat. 34°00'47"N, Long. 84°35'55"W) excluding that portion within the Cartersville, Georgia, transition area.

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

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

Issued in East Point, Ga., on October 28, 1977.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc.77-32404 Filed 11-9-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-60]

CORPUS CHRISTI NAS, TEX.

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Corpus Christi NAS, Tex., control zone to provide controlled airspace for revised instrument approach procedures necessitated by the recent relocation of the Navy Corpus Christi VOR.

DATE: Comments must be received on or before December 12, 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: In Subpart F 71.171 (42 FR 355) of FAR Part 71, the description of the Corpus Christi NAS, Tex., control zone reflects the controlled airspace provided for the present instrument approach procedures to the NAS Corpus Christi Airport. The new instrument approach procedures will require alteration of the control zone to provide the necessary controlled airspace.

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 December 12, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, 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 F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Corpus Christi NAS, Tex., control zone. The FAA believes this action will enhance IFR operations at the NAS Corpus Christi Airport by providing controlled airspace for aircraft executing the new instrument approach procedures established for the airport. Subpart F of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 355).

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 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355) by altering the Corpus Christi NAS, Tex., control zone as follows:

That airspace within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.) including the following extensions based on the Navy Corpus VORTAC (latitude 27°41'09" N., longitude 97°17'40" W.); 3 miles each side of the 331 radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; 1.5 miles each side of the 016 radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC; 3 miles each side of the 118 radial, extending from the 5-mile radius zone to 7 miles southeast of the VORTAC; and 1.5 miles each side of the 160 radial, extending from the 5-mile radius zone to 6.5 miles south of the VORTAC.

(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 Im-

pact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on October 27, 1977.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.77-32402 Filed 11-9-77; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-57]

VERNON, TEX.

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Vernon, Tex., transition area to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Wilbarger County Airport, using the newly established NDB located on the airport. Coincident with this action, the airport will be changed from VFR to IFR for public use.

DATE: Comments must be received on or before December 12, 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: In Subpart G 71.181 (42 FR 440) of FAR Part 71, the description of the Vernon, Tex., transition area reflects the controlled airspace provided for the present special instrument approach procedure to the Wilbarger County Airport. The new NDB instrument approach procedure will require alteration of the transition area to provide the necessary controlled airspace for this procedure.

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 December 12, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, 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 alter the Vernon, Tex., transition area. The FAA believes this action will enhance IFR operations at the Wilbarger County Airport by providing controlled airspace for aircraft executing the new NDB instrument approach procedure established for the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are 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 altering the Vernon, Tex., transition area as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14' 00'' N., longitude 99°17'30'' W.) within 2 miles west of the Altus VOR 182° radial extending from the 6-mile radius to 7 miles north of the airport; within 3 miles each side of the 016° bearing from the Vernon NDB extending from the 6-mile radius area to 11.5 miles north of the NDB, excluding the portion within the Hobart, Okla., transition area.

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

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

Issued in Fort Worth, Tex., on October 26, 1977.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.77-32403 Filed 11-9-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-WE-19]

PROPOSED ALTERATION OF TRANSITION AREA, FORT HUACHUCA, ARIZ.

Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) concerning the alteration of the Fort Huachuca, Ariz. 700 foot transition area is withdrawn to permit further study and consolidation in a subsequent airspace docket.

DATES: Effective November 10, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On August 8, 1977, (42 FR 39994) the FAA published for comment a proposal to alter the Fort Huachuca, Ariz. 700 foot transition area. Subsequent to the publication of the NPRM, additional changes were proposed that affect the change in this docket. For this reason, it is advisable to consolidate the proposed changes in a single docket and to withdraw Airspace Docket No. 77-WE-19.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

WITHDRAWAL OF THE PROPOSAL

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-WE-19, Notice of Proposed Rulemaking (42 FR 39994, August 3, 1977), is hereby withdrawn.

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

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

Issued in Los Angeles, Calif. on October 28, 1977.

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

[FR Doc.77-32533 Filed 11-9-77;8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1 and 166]

PROTECTION OF COMMODITY CUSTOMERS

Standards of Conduct for Commodity Trading Professionals; Public Hearings

AGENCY: Commodity Futures Trading Commission.

ACTION: Public hearings.

SUMMARY: The Commodity Futures Trading Commission will hold public hearings on Wednesday, November 30 and Wednesday, December 7 to receive oral comments on its Customer Protection Rules.

DATES: Hearings on:

November 30, 1977, 10:00 A.M., Atlanta, Ga.

December 7, 1977, 10:00 A.M., Los Angeles, Calif.

ADDRESSES: Federal Building, Room 556, 275 Peachtree Street, Atlanta, Ga.

Los Angeles Hilton Hotel, Garden Room West, 930 Wilshire Boulevard, Los Angeles, Calif.

FOR FURTHER INFORMATION CONTACT:

Jane Stuckey, Office of the Secretariat, 2033 K Street NW., Washington, D.C. 20581, 202-254-6314.

SUPPLEMENTARY INFORMATION: The Commission's proposed Customer Protection Rules were published in the FEDERAL REGISTER on September 6, 1977 (42 FR 44742). Persons wishing to appear at one of these hearings should notify Ms. Stuckey at least five days in advance of the hearing date and forward an outline or proposed statement to the Secretariat to be received five days before the hearing. It is requested that if possible each participant bring at least 30 copies of his outline or proposed testimony to the hearing. Oral presentations will be limited to 15 minutes. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission's staff.

Issued in Washington, D.C. on November 7, 1977, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-32616 Filed 11-9-77;8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 628]

[FHWA Docket No. 77-16]

SKID ACCIDENT REDUCTION PROGRAM

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advance Notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this advance notice to solicit comments on the effectiveness of the current policy on skid accident reduction as outlined in Volume 6, Chapter 2, Section 4, Subsection 3 of the Federal-Aid Highway Program Manual (IM 21-2-73 dated July 19, 1973).

DATES: Comments must be received on or before February 8, 1977.

ADDRESS: FHWA Docket No. 77-16, Federal Highway Administration, Room 4230, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. Carlton Hayden, 202-426-2131, Office of Highway Safety; or Mrs. Kathleen S. Markman, 202-426-0790, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are Monday through Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Public comments are requested to assist in the evaluation and possible revision of the current skid accident reduction program. Comments are specifically requested, but not limited, to the following:

1. Skid inventory requirements.
2. Methods of skid measurements.
3. Need for skid test calibration centers.
4. Skid resistance criteria for the design of pavement surfaces.
5. Programs to reduce skidding accidents on existing highways.
6. Relationship of pavement characteristics to skid resistance.

The FHWA intends to update its present skid accident reduction policy on the basis of current operational experience, new research findings, and user comments. Copies of Volume 6, Chapter 2, Section 4, Subsection 3 of the Federal-Aid Highway Program Manual, and Highway Safety Program Standard 12 entitled Highway Design Construction and Maintenance (23 CFR 1204.4) are available from the Office of Highway Safety, Federal Highway Administration, Washington, D.C. 20590, telephone 202-426-2171.

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

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. §§ 401, 402, 315 and 49 CFR 1.48(b).

Issued on: November 3, 1977.

KARL S. BOWERS,
Deputy Administrator.

[FR Doc.77-32614 Filed 11-9-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 52]

[FRL 815-6]

PREVENTION OF SIGNIFICANT AIR QUALITY DETERIORATION

Conference on Air Quality Modeling

AGENCY: Environmental Protection Agency.

ACTION: Notice of conference.

SUMMARY: EPA is announcing a public conference on air quality modeling, as required by the Clean Air Act Amendments of 1977. "Air quality modeling" is a mathematical technique for estimating the effect a particular air pollution source (or groups of sources) has or will have on air quality at various locations in an area. Air quality modeling may provide the basis for approving or denying a proposed new pollution source's application to construct, and may also provide the basis for determining the control level required for existing pollution sources. Many of the issues to be discussed at the conference have been raised in proposals relating to prevention of significant air quality deterioration which appeared in the FEDERAL REGISTER of November 3, 1977. Persons interested in the November 3 proposals may therefore wish to attend the conference and/or make presentations.

DATES: The conference will be held on December 14 and 15, 1977 (Wednesday and Thursday), from 9:30 a.m. to 5:00 p.m. each day. Additional written statements will be accepted until January 3, 1978.

ADDRESSES: The conference will be held at the Thomas Jefferson Auditorium, South Agriculture Building, 14th Street and Independence Ave., SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD-14), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, phone 919-541-5262.

SUPPLEMENTARY INFORMATION: On November 3, 1977, EPA proposed at 42 FR 57471 and 57479 substantial new requirements for the prevention of signif-

icant air quality deterioration (PSD) program under the Clean Air Act. The PSD program is a scheme for protecting areas with air quality cleaner than minimum national standards.

Air quality modeling issues were discussed in these proposals, under the subject headings "Source Impact Assessments" and "Screening Techniques for Minimizing Air Quality Modeling" at 42 FR 57472–57473. Written public comments on EPA's proposals are being accepted until January 3, 1978. Informal public hearings will be held on these proposals in mid-January, 1978.

New Section 320 of the Clean Air Act requires EPA to conduct an air quality modeling conference. Because Section 320(a) requires EPA to give "special attention" at the conference to modeling techniques relating to PSD, persons interested in the modeling issues raised in EPA's November 3 PSD proposals may want to attend the conference and/or make presentations.

It will not be necessary, however, for interested persons to file duplicative comments or statements. That is, any comments or statements relating to air quality modeling which are entered into the rulemaking record for the November 3 PSD proposals will automatically be considered part of the record for the modeling conference. Similarly, any comments or statements relating to PSD which are entered into the modeling conference record will automatically be considered part of the record for the November 3 PSD proposals.

At the conference, EPA intends to focus on the Guideline on Air Quality Models (October, 1977), which is referenced at 42 FR 57472. This document, which EPA considers to be in interim status, already reflects input from five public meetings held earlier this year.

EPA officials will briefly discuss the Guideline development process and the document's contents. The conference will then be open for statements and comments from the National Academy of Sciences, representatives of State and local air pollution control agencies, and several Federal agencies including the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Bureau of Standards. General statements and comments will then be accepted from other parties at the direction of the chairman, who will set time limits on each oral presentation.

In order to assist EPA in planning for the conference, persons desiring to attend are asked to notify Joseph A. Tikvart by mail (at the address given in the "Further Information" section above) no later than December 5, 1977. In their notification, persons desiring to speak should identify the organization or corporation (if any) on whose behalf they are entering a statement. Copies of the Guideline will be sent to persons notifying EPA of their intention to attend and copies will be available to all registrants at the Conference.

A verbatim transcript of the conference proceedings will be maintained. Speakers are encouraged to bring extra copies of their presentations for the convenience of the reporter, chairman and other participants. Interested persons will be permitted to enter into the record any written comments they do not present orally.

Dated: November 7, 1977.

DAVID G. HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-32672 Filed 11-9-77;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Withdrawal Notice

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: On September 29, 1977, a notice appeared in the FEDERAL REGISTER (42 FR 51620) proposing that certain gas turbine installations be added to the list of source categories requiring preconstruction review under EPA's prevention of significant deterioration regulations. That notice of proposed rulemaking was published through an administrative error and, therefore, EPA through this notice withdraws the proposal.

DATES: This action is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Richard G. Rhoads, Environmental Protection Agency, Control Programs Development Division (MD 15), Research Triangle Park, N.C. 27711, or at 919–541–5251.

SUPPLEMENTARY INFORMATION: Prior to the enactment of the Clean Air Act Amendments of 1977, 91 Stat. 685 (August 7, 1977), EPA had considered the addition of gas turbine installations to the list of source categories requiring PSD review, and a notice of proposed rulemaking was drafted accordingly. Subsequent to the drafting of the notice, but before it was signed, the 1977 Amendments were enacted. In light of the Amendments, it was determined that gas turbines should not be added to the PSD list. Through an administrative error, however, the proposal was signed and published in the Federal Register. EPA hereby withdraws the proposal.

This notice in no way affects EPA's October 3, 1977, (42 FR 53782) proposal that pursuant to § 111 of the Clean Air Act new source performance standards be made applicable to new, modified, and reconstructed gas turbines.

Dated: November 3, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-32674 Filed 11-9-77;8:45 am]

[6560–01]

[40 CFR Part 61]

[FRL 788–2]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Development of Asbestos Standard for the Production and Use of Crushed Stone

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking.

SUMARY: The Environmental Protection Agency (EPA) is undertaking a study of the crushed stone industry to determine the extent to which quarrying operations are being conducted in areas containing serpentinite rock deposits, to determine the asbestos content of the rock being mined, and to determine whether the public is being exposed to asbestos from various uses of the rock. Serpentinite rock from a quarry location in Rockville, Maryland, has been found to contain significant quantities of asbestos, and the use of unbound (without a coating or binding agent) crushed stone produced from this rock on crushed stone roads has been shown to result in high concentrations of asbestos in the air near these roads. If EPA determines that the production and use of asbestos-containing serpentinite rock is causing asbestos emissions proximate to the public in a number of locations, standards will be proposed in the FEDERAL REGISTER under Section 12 of the Clean Air Act.

DATE: The information requested in this notice must be submitted on or before January 10, 1977.

ADDRESSEE: Information in response to this Advance Notice of Proposed Rulemaking should be submitted to the Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Ron R. Goodwin.

FOR FURTHER INFORMATION CONTACT:

Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919–541–5271.

SUPPLEMENTARY INFORMATION: It is well documented that airborne asbestos fibers are related to human disease, specifically pulmonary fibrosis, carcinoma, and pleural mesothelioma. The quantification of the health risk associated with specific airborne concentrations, fiber dimensions, and chemical composition of the fibers, however, is inexact. The problem of estimating the magnitude of this risk to human health is further complicated by the 20- to 40-year latency period between the onset of exposure and the appearance of disease. In addition, cancer-causing agents appear to be "non-threshold" pollutants so that no level can be set which is entirely safe from cancer risk. Consequent-

ly, EPA believes that exposure to airborne asbestos should be reduced to the greatest extent feasible. A hazardous emission standard currently exists for several sources of asbestos. See 40 CFR, Part 61, Subpart B.

In early 1977, EPA tests indicated that dust from the crushed stone produced by a Rockville, Maryland, rock quarry contained from 0.25 to 0.70 weight percent chrysotile asbestos. Analyses of air samples taken by EPA and Mt. Sinai School of Medicine near several sites in Montgomery County, Maryland, where unbound crushed stone from this quarry was in use, revealed ambient air concentrations of chrysotile asbestos as high as 17 million fibers per cubic meter and as high as 6400 nanograms per cubic meter, depending on distance from the road and prevailing traffic conditions. These concentrations are as much as 1000 times higher than those usually found in urban and metropolitan areas.

It is clear from the air monitoring data that several uses of unbound cruched stone from the Rockville, Maryland, quarry can cause elevated concentrations of asbestos in the air. The Maryland State Bureau of Air Quality and Noise Control, the Montgomery County Department of Environmental Protection, and the Montgomery County Department of Transportation are taking measures to control asbestos emissions from roads and other public areas which were surfaced with crushed stone from the Rockville quarry. Warning signs have been posted in parks and schoolyards where asbestos-containing crushed stone is in use and in many cases the rock has been removed. Dust suppressants and liquid asphalt has been applied to the roads where the most severe dust problems existed. The Montgomery County Department of Transportation has issued a moratorium on the use of crushed stone from the Rockville quarry and has notified all public users of the rock and the largest private users that the crushed stone they have used is from the Rockville quarry and may contain asbestos. Maryland has also found that the rock in several other quarries in the State contains asbestos and, as a result, is developing regulations to restrict the future use of crushed stone containing asbestos in certain applications and to control emissions from certain areas which have been surfaced with asbestos-containing crushed stone in an unbound form.

An analysis of geological survey maps prepared by the United States Geological Survey indicates that the Rockville, Maryland, rock quarry and a number of other rock quarries in the United States, produce crushed stone from serpentinite rock deposits. Geologists agree that most serpentinite rock deposits contain at least a small percentage of chrysotile asbestos. This leads EPA to believe that a number of crushed stone plants in the United States may be producing asbestos-containing crushed stone similar to that produced by the Rockville, Maryland, rock quarry. Other types of rock deposits may also contain asbestos; however, the correlation between other rock types and the presence of asbestos is not as clear.

EPA is therefore beginning a study to determine the extent of the problem of asbestos emissions that may exist from the use of crushed stone produced from serpentinite rock. This study is being conducted in response to requests from officials of Montgomery County, Maryland; two Congressmen from the State of Maryland; and the Environmental Defense Fund. The purpose of this study is to determine whether EPA should develop a Federal standard to limit asbestos emissions from this source. In this study, EPA will identify serpentinite rock quarries within the United States, collect and analyze rock samples from these quarries, determine whether elevated levels of asbestos in the air are occurring due to the use of crushed stone containing various asbestos contents, and determine how widespread the problem appears to be.

Currently both the State and local agencies have indicated their intention to take appropriate measures to control this problem in Maryland. If EPA's study determines that this problem does not warrant work on proposal of a Federal standard, EPA assistance will be available to local agencies on a case-by-case basis to deal with this problem.

EPA is requesting that all interested persons submit factual information concerning crushed stone produced from serpentinite rock, particularly information on its production, sale, and use in various applications; its asbestos content; and public exposure to ambient air asbestos emissions resulting from its use in various applications. It is expected that such information will assist EPA in determining whether to formulate any regulations.

Dated: November 3, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-32666 Filed 11-9-77;8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 460]

PROFESSIONAL STANDARDS REVIEW

Professional Standards Review (PSRO) Areas

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule designates the section of Los Angeles, Calif. included in postal zone 90067 as part of California PSRO Area XXII. This section of Los Angeles was inadvertently omitted in the original designation of California PSRO areas. The amendment will place Century City Hospital under the review authority of the Area XXII PSRO and improve coordination with other health care activities within Area XXII.

DATE: Consideration will be given to written comments or suggestions received on or before December 27, 1977.

ADDRESS COMMENTS TO: Health Standards and Quality Bureau, Room 16A-55, 5600 Fishers Lane, Rockville, Md. 20857. Please refer to File Code HSQ-22-F. Comments will be available for public inspection, beginning approximately 2 weeks after publication in Room 16A-55 of the Department's offices at 5600 Fishers Lane, Rockville, Md. 20857 on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 301-433-3880).

FOR FURTHER INFORMATION CONTACT:

Ms. Joyce Somsak, 5600 Fishers Lane, Room 13A-19, Rockville, Md. 20857, Phone 301-443-6477.

SUPPLEMENTARY INFORMATION: On March 18, 1974, the Department published final regulations designating 28 PSRO areas within California. PSRO Areas XVIII through XXV, composed of Los Angeles, Calif. and the surrounding communities, were described in terms of cities, unincorporated communities, and by postal zones. However, the geographic area within the boundaries of postal zone 90067 was inadvertently omitted from any Professional Standards Review Organization (PSRO) area in the final regulations. Therefore, the area within postal zone 90067 has never been included within a designated PSRO area.

The proposed regulation will correct the omission by placing the area included in postal zone 90067 within Area XXII and describe Area XXII by use of street names and city and county boundaries.

42 CFR 460.7 is amended by revising the Area XXII description to read as follows:

§ 460.7 California.

* * * * *

AREA XXII

Beginning at the Pacific Ocean at the Los Angeles County/Ventura County border; then running north and northeasterly along the Los Angeles County side of the Los Angeles County/Ventura County border to its interesection with Little Sycamore Canyon Road; then running southeasterly along the southern side of Little Sycamore Canyon Road to its intersection with Mulholland Highway; then generally following easterly along the southern side of Mulholland Highway to its intersection with Mulholland Drive; then running generally easterly along the southern side of Mulholland Drive to its intersection with Benedict Canyon Road; then running generally southeasterly along the western side of Benedict Canyon Road to its intersection with the City of Los Angeles/City of Beverly Hills Border; then southeasterly along the City of Los Angeles side of the City of Los Angeles/City of Beverly Hills border to its intersection with Beverwil Drive; then south along the western side of Beverwil Drive to its intersection with Cresta Drive; then

easterly along the southern side of Cresta Drive to its intersection with Beverly Drive; then running south along the western side of Beverly Drive to its intersection with Sawyer Street; then easterly along the southern side of Sawyer Street to its intersection with Fairfax Avenue; then south along the western side of Fairfax Avenue to its intersection with the Culver City/City of Los Angeles border; then following the Culver City side of the Culver City/City of Los Angeles border to its intersection with the unincorporated Los Angeles County border; then south along the Culver City side of the Culver City/unincorporated Los Angeles County border to its intersection with La Cienega Boulevard; then south along the western side of La Cienega Boulevard to its intersection with Centinela Avenue; then westerly along the northern side of Centinela Avenue to its intersection with the unincorporated Los Angeles County border; then running westerly along the unincorporated Los Angeles County side of the unincorporated Los Angeles County/City of Los Angeles border to its intersection with the Culver City border; then running northwesterly along the Culver City side of the Culver City/City of Los Angeles border to its intersection with the unincorporated Los Angeles County border; then running westerly along the unincorporated Los Angeles County side of the unincorporated Los Angeles County/City of Los Angeles border to its intersection with the Marina Del Rey Channel; then following southwesterly along the northern side of the Marina Del Rey Channel to its intersection with the Pacific Ocean, the point of beginning.

(Sec. 1102 of the Social Security Act, 42 U.S.C. 1302.)

NOTE.—The Health Care Financing 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.

Dated: September 23, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: November 3, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-32536 Filed 11-9-77;8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-03; Notice 9]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 222, *School Bus Passenger Seating and Crash Protection*, that would increase the allowable rearward deflection of seats from 8 to 10 inches. Additionally, a minor modification of the standard is proposed that would clarify the meaning of "absorbed energy" consistent with an interpretation by the agency of that term.

COMMENT CLOSING PERIOD: December 12, 1977.

EFFECTIVE DATE: April 1, 1978.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Timothy Hoyt, Office of Crashworthiness, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, 202-426-2264.

SUPPLEMENTARY INFORMATION: Standard No. 222 (49 CFR 571.222) as published January 28, 1976 (41 FR 4016), established requirements for school bus passenger seats as directed by the Motor Vehicle and School Bus Safety Amendments of 1974 (the Amendments) (Pub. L. 93-492). Congress subsequently modified the Amendments by Pub. L. 95-346 (July 8, 1976) by extending the effective date for the implementation of the school bus regulations to April 1, 1977.

Although most of the requirements of Standard 222 went into effect on April 1, 1977, the NHTSA, in response to petitions from school bus manufacturers, delayed until April 1, 1978, the effective date for the standard's allowable rearward seat deflection requirement (41 FR 34945; December 16, 1976). That requirement states that when tested for rearward performance the "[s]eat back deflection shall not exceed 8 inches."

The delay of the effective date of the requirement was granted in order to permit adequate time for a thorough analysis of the rearward deflection requirement as suggested by Thomas Built Buses, Blue Bird Body Co., Carpenter Body Works, Wayne Corp., and Ward School Bus Manufacturing in their petitions. Having conducted that analysis, the NHTSA has tentatively determined that the rearward deflection requirement should be revised to allow deflection of 10 inches rather than 8 inches.

DISCUSSION OF PETITIONS

The petitions, received from several manufacturers, indicated that their seats were marginally in violation of the standard's rearward deflection requirement. The source of the manufacturers' problem was their initial misunderstanding of the NHTSA requirement that the seats absorb 2800W inch-pounds of energy while deflecting only 8 inches when tested for rearward performance. The NHTSA, in an interpretation to Thomas Built Buses (July 30, 1976), defined "absorbed" to mean "receive without recoil." This interpretation requires that returned energy be subtracted from total energy applied to the seat back to calculate energy absorbed by the seat back. Manufacturers initially thought that absorbed energy was measured only by the energy application phase without subtracting energy lost through recoil. Owing to the agency's definition of "absorbed", the manufacturers petitioned the NHTSA to extend the rearward deflection of seats to 12 inches, indicating that such an extension would not adversely affect the safety of school buses. The manufacturers further indicated that to require an 8-inch maximum allowable deflection would require extensive redesign of school bus seats that would result in increased costs without any significant safety benefits.

EVALUATION OF DEFLECTION REQUIREMENT

The rearward seat deflection requirement, as initially proposed, would have required that seats not deflect more than 35° from vertical when tested for rearward performance (February 22, 1973; 35 FR 4776). This requirement was subsequently replaced by the present requirement that seats not deflect more than 8 inches (July 30, 1974; 39 FR 27585). This alteration of the standard did not change appreciably the standard's requirements, because an 8-inch allowable deflection translates approximately into a seat angle of 35°. The modification from degrees to inches for the measurement of rearward deflection was done to facilitate measurement of the deflection.

More recent test data indicate that a seat angle of 40° is more appropriate during seat deflection and should have little, if any, impact on the safety of school bus seats. In fact the agency has proposed an allowable 40° seat angle for seat deflection in passenger cars, multipurpose passenger vehicles, and trucks (39 FR 10268). A 40° seat angle translates roughly into a 10-inch seat deflection. Accordingly, the agency has now tentatively concluded that the 8-inch deflection requirement in Standard No. 222 is unnecessarily restrictive and should be extended to 10 inches.

The NHTSA declines to adopt the suggestions of several manufacturers recommending extension of the deflection requirement to 12 inches. Based upon data presently available, the agency has determined that such an extension would result in a seat back angle exceeding 40°. An angle of this magnitude could significantly increase the possibility of injury through passenger ejection from the seat and impair the effectivenees of the school bus seating requirements.

CLARIFICATION OF ABSORBED ENERGY

In conjunction with this amendment of the rearward deflection of seats, the NHTSA proposes a minor modification of the rearward and forward performance requirements (S5.1.3.4 and S5.1.4.2) to reflect the agency's interpretation of

energy absorption described in a letter to Thomas Built Buses (July 30, 1976). The modification of these sections would require that the force applied to the loading bars in both the front and rearward seat performance tests be maintained for a specified time. The force/deflection curve plotted after release of the force would then take into account both the application of the force and the recoil of the seat. This process ensures that only that energy that is actually absorbed by the seat will be considered in the computation of absorbed energy. Modification of the test procedure as proposed simply incorporates an existing agency interpretation and would not greatly alter the requirements of the standard.

CONCLUSIONS

The initial selection of an 8-inch rearward deflection was based upon outdated test data. Allowing an extension of the rearward deflection requirements to 10 inches and clarifying energy absorption should have little, if any, impact upon the safety of school bus seats. The additional allowable deflection should not result in a significant intrusion into the occupant space of seats aft of the tested seat. The standard would continue to require that seats not move within 4 inches of any other seat. The extended seat deflection coupled with the clarification of absorbed energy should ensure adequate seat performance as contemplated by the compartmentalization approach to school bus seat safety.

Since this proposal, if adopted, would relieve a restriction, the NHTSA concludes that there will be only minor economic impact. The rule would become effective on April 1, 1978.

The agency is continuing to review issues that have been raised concerning seat spacing and activity buses and will respond to them in separate notices.

In consideration of the foregoing, it is proposed that the following amendments be made in Part 571 of Title 49, Code of Federal Regulations:

1. Paragraph S5.1.3.4 of 49 CFR § 571.222 would be amended to read:

S5.1.3.4 Apply additional force horizontally in the forward direction through the upper bar until 4,000W inch-pounds of energy have been absorbed in deflecting the seat back (or restraining barrier). Apply the additional load in not less than 5 seconds nor more than 30 seconds. Maintain the pivot attachment point in the maximum forward travel position for not less than 5 seconds nor more than 10 seconds and release the load in not less than 5 nor more than 30 seconds.

(For the determination of S5.1.3.4 the force/deffection curve describes only the force applied through the upper loading bar, and the forward and rearward travel distance of the upper loading bar pivot attachment point measured from the position at which the initial application of 10 pounds of force is attained.)

2. Paragraph S5.1.4(b) of 49 CFR § 571.222 would be amended by substituting "10 inches" for "8 inches".

3. Paragraph S5.1.4.2 of 49 CFR § 571.-222 would be amended to read:

S5.1.4.2 Apply additional force horizontally rearward through the loading bar until 2,800W inch-pounds of energy have been absorbed in deflecting the seat back. Apply the additional load in not less than 5 seconds nor more than 30 seconds. Maintain the pivot attachment point in the maximum rearward travel position for not less than 5 seconds nor more than 10 seconds and release the load in not less than 5 seconds nor more than 30 seconds. (For determination of S5.1.4.2 the force/deflection curve describes the force applied through the loading bar and the rearward and forward travel distance of the loading bar pivot attachment point measured from the position at which the initial application of 50 pounds of force is attained.)

Interested persons are invited to submit comments on the proposal. All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The prinicipal authors of this proposal are Timothy Hoyt of the Office of Crashworthness and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 203, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on November 3, 1977.

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

[FR Doc.77-32493 Filed 11-4-77;3:45 pm]

[4910-59]

[49 CFR Part 580]

[Docket No. 77-06; Notice 1]

ODOMETER DISCLOSURE REQUIREMENTS

Odometer Retention Requirements

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Proposed rule.

SUMMARY: The Secretary of Transportation is authorized by the Motor Vehicle Information and Cost Savings Act to specify requirements for retention of odometer statements by dealers and distributors of motor vehicles. This notice prescribes the manner in which this information should be retained. The intended effect of this regulation is to afford the government and aggrieved parties documentation necessary to prove a violation of the Act, and to pinpoint exactly where the violation occurred.

DATES: Comments on or before December 5, 1977. Proposed effective: January 1, 1978.

ADDRESSES: Send comments to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Kathy DeMeter, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: The Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513, 86 Stat. 947-963, 15 U.S.C. 1901-1999) directed the Secretary of Transportation to issue regulations to require each transferor of a motor vehicle to give the transferee a written statement of the mileage shown on the vehicle's odometer and to advise the transferee if the mileage shown on the odometer was known to be different from the vehicle's actual mileage. A regulation was issued pursuant to section 408 of the Act to prescribe the manner of disclosure (49 CFR Part 580), but the Secretary chose not to exercise the authority given him under subsection 408 (a) to specify the manner in which such information was to be retained.

The 1976 amendments to the Act (Pub. L. 94-364, 90 Stat. 981) conferred extensive investigative powers upon the Secretary. One effect of these new powers is to enhance the value of a record retention requirement as an investigatory tool. The disclosure statement plays an important role in the investigation of odometer tampering and fraud. In order to prove that an odometer has been rolled back or otherwise tampered with in violation of the Act, it must be possible to ascertain the amount of actual mileage the vehicle has been driven. An effective way of discovering this information is by examining previous odometer mileage

statements required to be executed by all owners in the chain of title.

To enhance the ability of the statement to protect all future transferees, the regulation proposed by this notice would not only require the dealer or distributor to retain the statements issued to him but would also require him to retain a copy of each statement which he issued. This will afford the government and aggrieved parties the necessary documentation to prove a violation of the Act, and also to pinpoint exactly where that violation occurred.

This agency therefore proposes to require dealers and distributors of motor vehicles to retain odometer mileage statements for four years. This period is tentatively selected as long enough to cover the great majority of violations, while not so long as to pose major problems for modern information-storage systems. The proposal is phrased broadly to include any media by which such information may be stored, not merely "paper records." The proposal would require storage in chronological order to permit prompt retrieval. It would allow the discarding of statements that had been transferred to an other storage medium such as microfilm, as long as there is no loss of information or identifying marks such as signatures in the transfer.

In light of the foregoing, it is proposed that Part 580, Odometer Disclosure Requirements, of Title 49, Code of Federal Regulations, be amended as follows:

1. Section 580.1, *Scope*, is amended as follows:

§ 580.1 Scope.

This part prescribes rules requiring the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy, and requiring the retention of odometer mileage statements by motor vehicle dealers and distributors, as directed by sections 408(a) and 414(b) of the Motor Vehicle Information and Cost Savings Act, Pub. L. 92–513, as amended by Pub. L. 94–364.

2. Section 580.2, *Purpose*, is amended as follows:

§ 580.2 Purpose.

The purpose of this part is to provide each purchaser of a motor vehicle with odometer information to assist him in determining the vehicle's condition and value, and to preserve records that are needed for the proper investigation, and adjudication or other disposition, of possible violations of the Motor Vehicle Information and Cost Savings Act.

3. A new § 580.7, is added as follows:

§ 583.7 Odometer mileage statement retention.

Each dealer or distributor of a motor vehicle shall retain for four years each odometer mileage statement which he receives. He shall also retain for four years a photostat, carbon, or other facsimile copy of each odometer mileage statement which he issues. He shall retain each odometer mileage statement in chronological order at his primary place of business. The statement may be reproduced (e.g., photocopies or put on microfilm) as long as no information or identifying marks such as signatures are lost in the reproduction.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered, and wil be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continnue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 408, 414, Pub. L. 92–513, 86 Stat. 947, as amended Pub. L. 94–364, 90 Stat. 981, 15 U.S.C. 1988, 1990(d); delegation of authority at 49 CFR 1.50(f).)

Issued on: November 1, 1977.

JOSEPH J. LEVIN, Jr.,
Chief Counsel.

[FR Doc.77-32497 Filed 11-9-77;8:45 am]

notices

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

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Amdt. of Designation No. A516]

NORTH DAKOTA

Designation of Emergency Areas

On October 19, 1977, the Secretary of Agriculture determined that farming, ranching, or aquaculture operations were substantially affected as a result of excessive rainfall, hailstorms, and/or early frost and named as emergency loan areas in the following 30 counties:

Adams	McKenzie
Billings	Mercer
Benson	Morton
Bottineau	Mountrail
Bowman	Oliver
Burleigh	Pierce
Dickey	Rolette
Dunn	Sheridan
Eddy	Sioux
Foster	Stark
Golden Valley	Stutsman
Grant	Towner
Hettinger	Ward
Kidder	Wells
McIntosh	Williams

The drought beginning in the 1976 crop year through December 31, 1976, and/or during the period January 1 through September 30, 1977, was inadvertently omitted.

Done at Washington, D.C., this 2d day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-32622 Filed 11-9-77;8:45 am]

[3410-11]

Forest Service

TIMBER MANAGEMENT PLAN; HOLLY SPRINGS AND TOMBIGBEE NATIONAL FORESTS

Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Holly Springs and Tombigbee Timber Management Plan, Holly Springs and Tombigbee National Forests, Miss., USDA-FS-R8-FES ADM 77-04.

The Holly Springs National Forest contains 145,405 acres of National Forest land in Benton, Marshall, Tippah, Lafayette, Union, and Yalobusha Counties, in Mississippi. The Tombigbee National Forest contains 65,550 acres of National Forest land in Choctaw, Winston, Oktibbeha, Chickasaw, and Pontotoc Counties, in Mississippi. The Holly Springs and Tombigbee National Forests are two of six National Forests in Mississippi.

Management actions include timber harvesting, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This final environmental statement was transmitted to CEQ on October 31, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Road NW., Room 804, Atlanta, Ga. 30309.
USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Miss. 39205.

A limited number of single copies are available upon request to Forest Supervisor B. F. Finison, Box 1291, Jackson, Miss. 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: October 31, 1977.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc.77-32603 Filed 11-9-77;8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-11-14; Dockets 25022, 19570 and 19745]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N.V. (MARTIN'S AIR CHARTER CO.)

Foreign Air Carrier Permit

[6320-01]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of November, 1977.

In the matter of: Application of Martin's Luchtvervoer Maatschappij N.V. (Martin's Air Charter Co.) for renewal of its foreign air carrier permit (Docket 25022) and application of Martin's Luchtvervoer Maatschappij N.V. (Martin's Air Charter Co.) for amendment of its foreign air carrier permit (Dockets 19570, 19745).

Martin's Luchtvervoer Maatschappij N.V. (Martin's), is the holder of a foreign air carrier permit, issued by Order 71-5-95, authorizing charters of persons and their accompanying baggage, planeload charters of property, and inclusive-tour charters between the Netherlands and the United States, Netherlands-originating and terminating circle inclusive-tour charters of persons to the United States and other countries, European - originating inclusive - tour charters of persons to the United States, and European-originating and terminating circle tour charters of persons (including inclusive-tour charters) to the United States and other countries. The carrier has filed an application in Docket 25022, for renewal of its permit and requests that show-cause procedures be used. By motion in Dockets 19570 and 19745, Martin's also seeks to modify condition 4(d) of Order 68-12-121 so that it may implement a ground handling agreement with KLM Royal Dutch Airlines at Kennedy Airport.[1] Pan American World Airways answered in opposition to the motion.

Action on Martin's requests for modification of condition 4(d) and renewal of its permit by show-cause procedures was deferred by Order 76-5-98, May 21, 1976, pending decision in several other proceedings involving "mother-daughter" relationships between various European carriers similar to that existing between Martin's and KLM.[2] Several of these carriers, like Martin's, were requesting modification and/or elimination of the standard conditions imposed by the Board on affiliated carriers in addition to the renewal of their permits, and the Board determined that Martin's requests should be deferred until the common policy questions in the other proceedings were resolved. By Orders 77-1-66/67/68/69/70/71, served January 14, 1977, the Board renewed the foreign air carrier permits and modified condition (b) of the "passing-off conditions" to permit common

[1] Condition 4(d) reads: "Martin's shall not serve as agent, general agent, or general sales agent for KLM, nor permit KLM to serve in a similar capacity for Martin's; shall not directly or indirectly solicit business on KLM's behalf, or carry traffic directly or indirectly solicited on its behalf by KLM; and shall not contract with, collect monies due from, or issue tickets to, a KLM charter movement, or permit KLM to similarly act in respect to its charter movements." This condition is now 3(d) in Order 71-5-95 (the last order setting out the conditions affecting Martin's relationship with KLM) but will be referred to in the remainder of this order as condition 4(d).

[2] The following applications for renewal of foreign air carrier permits are involved: Aviaco, Docket 27738; Belair, Docket 27790; British Airtours, Docket 28086; Condor, Docket 27802; Kar-Air, Docket 27596; and Societa Aerea Mediterranea, Docket 27628.

use of technical (nonpublic) personnel and the common leasing of counter or terminal facilities so long as personnel manning leased counter space have clearly distinguishable uniforms.

The Board finds that it is in the public interest to direct interested parties to show cause why the applicant's foreign air carrier permit should not be renewed without hearing for a five-year period. The Board also finds that Martin's motion for a modification of condition 4(d) of Order 68–12–121 should be denied. The Board did not modify condition (d) when it was considering other "passing-off conditions" in Order 77–1–66. The only condition modified in that order was condition (b), and this was done after ample consideration of whether such modification would defeat the basic objective of the "passing-off conditions"—to insure that the separate airlines are held out to the public as independent entities. If we were to tentatively conclude that (d) should be modified, we would be doing so without the benefit of the discussion involved in the other proceeding. Further, we would be depriving Martin from a condition to which the other charter foreign air carriers are still subject, and which we chose not to modify when we were considering other "passing-off conditions." On the other hand, we tentatively find that it is in the public interest to modify condition (b) of Order 68–12–121 in accordance with the modification approved in Order 77–1–66. As we noted in that order, the public interest is better served by providing for common requirements in this respect.

Therefore, as Martin's has demonstrated by its operations under its foreign air carrier permit that it is fit, willing, and able to carry on the business of a charter foreign air carrier, and based on the Board's findings in Order 71–5–95 with respect to the public interest and the carrier's fitness, it is tentatively concluded that:

(a) Martin's Luchtervervoer Maatschappij N.V. (Martin's Air Charter Company) is fit, willing, and able properly to perform the foreign charter transportation authorized by the attached specimen permit and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

(b) Martin's Air Charter Co. is substantially owned and effectively operated by nationals of the Kingdom of the Netherlands;

(c) It is in the public interest to renew the foreign air carrier permit of Martin's Air Charter for a five-year period;

(d) The public interest requires that the exercise of the privileges granted by said permit be subject to the terms, conditions and limitations contained in the attached specimen permit [3] and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

(e) The public interest requires the modification of condition 4(b) of Order 68–12–121 in accordance with the modification approved in Order 77–1–66; and

(f) A hearing on the application of Martin's Air Charter is not required by the public interest.

All interested persons will be given 21 days following the adoption of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analyses. If an evidentiary hearing is requested, each objector should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. Vague, general, or unsupported objections will not be enterained.

Accordingly, it is ordered that:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, issuing a renewed foreign air carrier permit to Martin's Luchtvervoer Mattschappij N.V., Martin's Air Charter, in the attached specimen form;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions or to the issuance of the proposed renewed foreign air carrier permit shall, within 21 days after the adoption of the order, file with the Board and serve on the persons named in paragraph 6 a statement of objections specifying the part or parts of the tentitive findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence as is expected to be relied upon to support the statement of objections; answers to objections will be due 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board: Provided that the Board may proceed to entertain an order in accordance with the tentative findings and conclusions if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions;

5. Martin's motion for modification of condition 4(d) of Order 68–12–121 be denied; and

6. This order shall be served upon Martin's Air Charter, the Ambassador of the Kingdom of the Netherlands, the Department of State, and Pan American World Airways.

This order shall be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Martin's Luchtvervoer Maatschappij N.V. (Martin's Air Charter Co.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

1. Charter flights carrying persons and their accompanied baggage between any point or points in the Netherlands and any point or points in the United States.

2. Planeload charter flights carrying property between any point or points in the Netherlands and any point or points in the United States, limited to ten one-way flights within any calendar year.

3. Inclusive tour charter flights carrying persons and their accompanied baggage between any point or points in the Netherlands and any point or points in the United States.

4. Circle tour charter flights (including inclusive tour charters) carrying persons and their accompanied baggage which originate and terminate at a point or points in the Netherlands and serve a point or points in the United States and a point or points in any country other than the Netherlands and the United States.

5. Charter flights (including inclusive tour charters) carrying persons and their accompanied baggage between any point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, and Yugoslavia, and any point or points in the United States, limited to charter flights which originate in a named European country.

6. Circle tour charter flights (including inclusive tour charters) carrying persons and their accompanied baggage which originate and terminate at a point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, and Yugoslavia, and serve a point or points in the United States and a point or points in any country other than a named European country and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) For the purposes of the authorizations set out in paragraphs 1 and 2 above, and no others, the Netherlands Antilles and Surinam shall be considered to be part of the Netherlands.

(2) For the authorizations contained in paragraphs 1, 2, 3, and 4 above, the holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in the Netherlands, or transport any person whose journey, by any means of transportation, begins or ends at a point not in the United States or the Netherlands: *Provided*, That this condition shall not prevent the holder, under the authorization contained in paragraph 4 above, from serving a point or points in any foreign country between the point of

[3] We have made technical revisions in the permit to conform with permits recently granted by the Board. The initial tariff condition has been included in the permit, and the inclusive-tour condition has been modified to take account of OTC charters in accordance with recent Board practice (See Spantax, S.A., Order 76–6–102, approved June 12, 1976).

[4] All members concurred.

origin and point of termination of the charter flight in the Netherlands or prevent the holder from carrying between a point or points in the Netherlands and a point or points in the United States charters originating in one of the European countries named in paragraph 5 or 6 above.

(3) During any calendar year in which the holder: (a) operates less than 18 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than six; (b) operates between 18 and 45 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than one-third; (c) operates more than 45 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than 15. Any charter originating in one country and flown to another, whether one-way or round-trip, will be considered one charter trip for these purposes.

(4) The authority of the holder to perform inclusive tour charters originating in the Netherlands shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Dutch Bureau of Civil Aviation authorizing the performance of such charters. Inclusive tour charters originating in the United States shall be subject to the provisions of Part 378 and 378a of the Board's Special Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt. The authority of the holder to perform inclusive tour charters originating in a named European country shall be subject to the following conditions:

(a) The entire aircraft shall be chartered by one tour operator for the carriage of persons traveling on inclusive tours.

(b) Each tour shall provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other.

(c) An aircraft may carry a maximum of three tour groups.

(d) If more than one group is carried, each of the groups shall consist of 40 or more tour participants.

(e) The Board, by order or regulation and without hearing, may waive conditions (a) to (d) in whole or in part.

(5) On circle tour charters which serve only a point or points in Canada and a point or points in the United States, the transportation between the last point in one of these countries and the first point in the other need not be provided by the holder.

(6) The exercise of the privileges granted by this permit, except with respect to inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(7) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required by the public interest.

(8) The holder shall not operate charters for or on behalf of air freight forwarders.

(9) By accepting this permit, the holder agrees that the Board may, by notice to the holder, suspend without hearing any proposed or existing charter tariff filed by the holder, if the Board finds that any rate set forth therein is below the rates generally prevailing for comparable service by U.S. supplemental carriers and is adverse to the public interest.

(10) The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agrement which may be approved by the Board and to which the holder becomes a party.

(11) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the name and addresses of the member insurers.

(12) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the Netherlands for Netherlands international air service.

(13) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Netherlands shall be parties.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on_____, and shall terminate five years later: *Provided, however,* That, if during said period the operation of the foreign air transportation authorized here becomes the subject of any treaty, convention, or agreement to which the United States and the Netherlands are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the_____.

_____
Secretary.

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on_____ in_____.

[FR Doc.77-32647 Filed 11-9-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLLEGE OF MEDICINE AND DENTISTRY OF NEW JERSEY

Decision On Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00279. Applicant: College of Medicine and Dentistry of New Jersey, 100 Bergen Street, Newark, New Jersey 07103. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of nerve tissue, cardiac tissue, and renal tissue. Both experimental animals and specimens of diseased human tissue will be investigated. The animal experiments will be designed as models to elucidate pathological conditions that exist in humans; the human specimens will be studied to characterize changes within cells. The article will also aid post graduate and graduate students to become proficient in their given field of study.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolution of 3 Angstroms as well as a magnification range up to 500,000X. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated October 3, 1977 that (1) the features described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument which provides the pertinent features of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-32604 Filed 11-9-77;8:45 am]

[3510-25]

STATE UNIVERSITY OF NEW YORK, ET AL.

Consolidated Decision on Applications for Duty-Free Entry on Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897)

and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00287. Applicant: State University of New York—College at Purchase, Division of Natural Sciences, Purchase, N.Y. 10577. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in a general instructional program in cellular biology. The main courses of study are: (1) Cell Biology—An introduction to the structure and function of the cells of plants, animals and micro-organisms with emphasis on their description in contemporary chemical, physical and ultrastructural terms, (2) Ultrastructure Techniques—An intensive training period during which students will learn and practice basic techniques of cell and tissue fixation, imbedment, thin sectioning, mounting and staining sections, and (3) Senior Research Project—Coherent and significant scientific investigation. Application received by Commissioner of Customs: June 27, 1977.

Docket Number: 77-00299. Applicant: Baylor College of Medicine, Dept. of Otorhinolaryngology & Communicative Science, Baylor College of Medicine, 6501 Fannin Street, Houston, Tex. 77030. Article: Electron Microscope, Model JEM 100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the ultrafine structure of normal, pathological and experimentally treated cells and tissue of the inner ear and related (adjacent) structures. In addition to those, the study will include the otologically related neural tissues, thus auditory and vestibular phenomena not only in normal status but in diseased and/or experimental conditions, can be analytically studied. The article will also be used for future biological, paramedical (neuroscience) graduate students teaching. In addition, any resident physician (or research trainee) who pursues oto-neurological researches will have access to utilizing the scope. Application received by commissioner of customs: July 12, 1977.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the applications were received by the U.S. Customs Service. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States at the time each of the applications was received by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the applications were received by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-32568 Filed 11-9-77;8:45 am]

[3510-25]

UNIVERSITY OF MASSACHUSETTS AND UNIVERSITY OF NORTH CAROLINA

Consolidated Decision on Applications For Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the appplications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00259. Applicant: University of Massachusetts, Department of Zoology, Amherst, Massachusetts 01003. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of biological materials: Nucleic acids, proteins, bacteriophages, and fixed cells. Research will involve elucidation of the substructure of eukaryotic chromatin, investigation of the structural role of prokaryotic DNA-binding proteins, and investigation of host-parasite relations in bacteria/phage infections and Leishmania infections. The article will also be used in the course Zoology 708—Electron Microscopy to train students to use electron microscopy in their biological research. Application received by Commissioner of Customs: June 6, 1977. Advice submitted by the Department of Health, Education, and Welfare on: September 12, 1977. Article ordered: April 29, 1977.

Docket number: 77-00272. Applicant: University of North Carolina, Department of Anatomy, 111 Swing Building 217H, Chapel Hill, N.C. 27514. Article: Electron Microscope, Model JEM-100C (Standard Top Entry Type) and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in high resolution studies of conformational and redistributional changes of proteins on or within organelle and cell membranes which occur during change in the state of organelle and cell function. The identification of specific proteins on or in cellular membranes will be investigated using antibody and other protein tagging techniques in a research program devoted to studies in the molecular anatomy of membranes. Protein identification and orientation in biomembranes as well as conformation of solubilized proteins, will be studied by high resolution freeze-cleaving electron microscopy, dark field electron microscopy and negative staining. In addition, the article will be used to train a limited number of graduate students and post doctoral fellows on an individual basis on the general areas of experimental cell and membrane biology. Application received by Commissioner of Customs: June 22, 1977. Advice submitted by the Department of Health, Education, and Welfare on: September 12, 1977. Article ordered: April 25, 1977.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW advises that it knows of no domestic instrument which could provide the pertinent feature at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-32606 Filed 11-9-77;8:45 am]

[3510-25]

UNIVERSITY OF NORTH CAROLINA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00273. Applicant: University of North Carolina, Department of Anatomy, 111 Swing Building 217H, Chapel Hill, N.C. 27514. Article: Electron Microscope, Model JEM-100C (SEG) and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in high resolution TEM and SEM studies of the distribution and lateral translation diffusion of integral proteins in biomembrane and reconstituted membrane systems. Antibody ferritin conjugates will be utilized in SEM studies to follow protein diffusion laterally on the surface of biomembranes. Diffusion will be induced by thermotropic lipid phase transitions. Diffusion of transmembrane proteins in the lateral plane of the hydrophobic interior of the lipid bilayer will be determined by high resolution freeze-fracture TEM. Energy dispersive X-ray analysis will be carried out on various organelle and membrane systems after binding of various divalent cations such as calcium and magnesium. The effect of divalent cations on the lateral translation diffusion of integral proteins and on theracotropic lipid phase transitions will be determined.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered April 25, 1977. Reasons: The foreign article has a specified resolving capability of 5 Angstroms with its eucentric side entry goniometer stage. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 12, 1977, that the resolving capability of the foreign article described above is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument which provides the pertinent feature of the article which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-32569 Filed 11-9-77;8:45 am]

[3510-25]

UNIVERSITY OF UTAH MEDICAL CENTER

Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00257. Applicant: University of Utah Medical Center, University of Utah, Salt Lake City, Utah 84132. Article: Electron Microscope, Model JEM-100S with sheet film and 35 mm roll film cameras, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine several type of biological specimens including:

(a) Negatively stained viruses—a solution of viruses is dried onto a carbon coated grid with uranyl acetate to give sufficient contrast.

(b) Thin sections of virus infected cells—infected cells are fixed, dehydrated, embedded in plastic and thin sectioned, and stained with osmium tetroxide, and

(c) Platinum shadowed RNA and DNA molecules—nucleic acid molecules of formvar coated grids are platinum shadowed.

Experiments will be designed to determine (a) the structure of bacteriophage P22 and its precursors, (b) the structure of vesicular stomititis virus and its precursors, (c) the structure of the single stranded RNA genome of Sendai virus, and (d) the structure of the portion of the genome which codes for synthesis of 5S ribosomal RNA in higher organisms. In addition, the article will be used routinely as an educational tool for post-doctoral and graduate students from the Department of Microbiology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides distortion free micrographs over a magnification range of 100x to 200,000x without breaking the vacuum for a pole-piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 12, 1977 that the article's full magnificant range is pertinent to the applicant's purposes. HEW also advises that it knows of no domestic instrument which provides the pertinent features of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-32605 Filed 11-9-77;8:45 am]

[3510-24]

Economic Development Administration

DANA-MARIE FASHIONS, INC.

Petition for a Determination of Eligibility to Apply for Trade Adjustment Assistance

A petition by Dana-Marie Fashions, Inc., 463 Grand Street, Paterson, New Jersey 07505, a producer of coats and jackets for men and women, was accepted for filing on November 3, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-32639 Filed 11-9-77;8:45 am]

[3510-24]

MILLER SHOE COMPANY, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Miller Shoe Company, Inc., 4015 Cherry Street, Cincinnati, Ohio 45223, a producer of footwear for

women, was accepted for filing on November 3, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBORN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-32640 Filed 11-9-77;8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-581]

JUNIPER TANKERS, INC.

Application

Notice is hereby given that Juniper Tankers, Inc., 313 Chestnut Street, Philadelphia, Pa. 19106, has filed an application dated October 24, 1977, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1977, unless extended, to operate the SS *Tullahoma*, 25,145 deadweight tons, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the decribed trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before November 18, 1977, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS).)

Dated: November 4, 1977.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.77-32528 Filed 11-9-77;8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Availability of Draft Environmental Impact Statements/Fishery Management Plans for the Atlantic Mackerel Fishery and the Squid Fishery of the Northwestern Atlantic Ocean; and Notice of Public Hearings

The Mid-Atlantic Fishery Management Council announces the availability for public review and comment of draft environmental impact statements/fishery management plans (DEIS/FMP's) for the Atlantic Mackerel Fishery and the Squid Fishery of the Northwestern Atlantic Ocean. The DEIS/FMP's were prepared by the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils and the National Marine Fisheries Service. The DEIS/FMP's were prepared under the authority of the Fishery Conservation and Management Act (Pub. L. 94-265) and pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969.

The DEIS/FMP's contain proposals to manage the Atlantic mackerel and squid fisheries for optimum yield including proposed regulatory measures applicable to domestic and foreign fishing. These plans, when approved and implemented by the Secretary of Commerce, will replace preliminary fishery management plans issued by the Secretary of Commerce. Preliminary fishery management plans were published on February 16, 1977, which proposed conservation and management measures applicable to foreign fishing for Atlantic mackerel (42 FR 9551) and squid (42 FR 9595).

The DEIS/FMP for squid covers two genera, Illex and Loligo, and seeks to accomplish the following objectives: (1) achieve and maintain optimal stocks for future recruitment; (2) prevent destructive exploitation of squid species; (3) control fishing practices to minimize capture of non-target species; (4) encourage efficiency in harvesting and use; (5) maintain adequate food supply for predators; (6) minimize user conflicts; (7) improve understanding of stock conditions; and (8) encourage increased American participation in the squid fishery.

Optimum yield for Illex and Loligo squid in 1978 from the U.S. fishery conservation zone is proposed as 30,000 metric tons and 44,000 metric tons, respectively. Of this yield, 10,000 metric tons of Illex and 14,000 metric tons of Loligo is proposed to be reserved for the U.S. fishermen and the remainder, 20,000 metric tons of Illex and 30,000 metric tons of Loligo, is proposed for allocation to foreign nations. Squid is a resource underutilized by the United States and the share of optimum yield proposed for U.S. fishermen in 1978 exceeds previous levels of production.

Regulatory measures proposed in the DEIS/FMP include licensing of foreign and domestic vessels, and transporters and processors of squid for sale, and periodic reporting of all squid transactions. In addition, area, time and gear restrictions along with observer provisions are recommended to further control foreign fishing activities. Fee and bycatch restrictions applying to foreign nations are also incorporated.

The DEIS/FMP for Atlantic mackerel seeks to accomplish the following objectives: (1) Provide opportunity for increased recreational and commercial catch; (2) maximize the contribution of recreational fishing for Atlantic mackerel to the national economy; (3) maintain spawning stock size above the point where optimum sustained yield of the fishery is assured; (4) maximize yield per recruit in the commercial fishery; and

(5) minimize costs to taxpayers of development, research, management, and enforcement in achieving plan objectives. Optimum yield for Atlantic mackerel in 1978 from the fishery conservation zone is proposed as 9,700 metric tons. Of this yield, 5,000 metric tons is proposed to be reserved for U.S. commercial interests and 3,500 metric tons for U.S. recreation interests. This proposed ceiling on U.S. harvest is tentative and subject to reallocation between user groups as needed throughout the year. The proposed U.S. harvest has also taken into consideration those Atlantic mackerel likely to be caught in U.S. territorial waters. The States are encouraged to adopt compatible measures. The DEIS/FMP suggests that area trade-offs of catch be pursued during the year so as not to exceed optimum yield for the entire stock. In addition to the recommended U.S. production, 1,200 metric tons of Atlantic mackerel are proposed for foreign nations as incidental bycatch while pursuing allowable directed fisheries such as squid, hake and other finfish. Regulatory measures proposed in the DEIS/FMP include licensing of domestic commercial vessels and recreational vessels for hire and periodic reporting of catch, fishing activity, and transactions in each fishery. A 10 inch size limit, with allowance for possession of undersized fish, is also proposed for the U.S. commercial fishery. Bycatch of Atlantic mackerel by foreign nations should be in accordance with the regulations applying to the directed fishery in which the bycatch occurs. It is proposed that at such time as foreign nations reach allowed bycatch of Atlantic mackerel their fishing operations in the U.S. fishery conservation zone shall be terminated.

The DEIS/FMP's may be obtained from:

Mr. John C. Bryston, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Del. 19901.

Copies may also be viewed at the site of public hearings and at other locations on the East Coast. Locations where DEIS/FMP's can be viewed can be obtained from the above address.

Individuals or organizations wishing to comment on either DEIS/FMP, or both, may submit written comments to the above address on or before December 27, 1977. Opportunity for public comment is also being provided at the public hearings listed below. Individuals or organizations wanting to comment on the DEIS/FMP's at the public hearing may do so by signing the speaker's roster which will be available at the hearing site. Statements orally presented at the hearings should also be submitted in writing to the Hearing Examiner at the hearing.

The New England Fishery Management Council will holds its public hearings as follows:

December 1, Dutch Inn, Great Island Road, Galilee, R.I. 02882.
December 2, Holiday Inn West, 81 Riverside Street, Portland, Maine 04103.
December 5, Lecture Hall A, Science Building, Cape Cod Community College, West Barnstable, Mass. 02668.
December 6, Gloucester House Restaurant, Seven Seas Wharf, Gloucester, Mass. 01930.

The Mid-Atlantic Fishery Management Council will hold its public hearings as follows:

December 7, Omni International Hotel, 777 Waterfront Drive, Norfolk, Va. 23510.
December 8, Sheraton Fountainebleau Hotel, 10100 Ocean Highway, Ocean City, Md. 21842.
December 9, Cape May Court House, Cape May, N.J. 08204.
December 12, Cooperative Extension Building, 246 Griffing Avenue, Riverhead, N.Y. 11901.
December 14, Molly Pitcher Inn, 88 Riverside Avenue, Red Bank, N.J. 07701.

The South Atlantic Fishery Management Council will hold its public hearing as follows:

December 6, North Carolina Marine Resources Center, Manteo, N.C. 27954.

All of the public hearings mentioned above will convene promptly at 7:00 p.m. and adjourn at 10:00 p.m. Hearings will be tape recorded and the tapes filed as an official formal transcript of proceedings. Summary minutes will be prepared on each hearing and appended, along with written comments received, to the final environmental impact statements/fishery management plans issued on the Atlantic Mackerel Fishery and the Squid Fishery of the Northwestern Atlantic Ocean.

This notice is being published at the request of and in cooperation with the New England, Mid-Atlantic and South Atlantic Fishery Management Councils.

Dated: November 7, 1977.

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

[FR Doc.77-32641 Filed 11-9-77;8:45 am]

[3510-12]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, established by Section 302, and its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP), established by Section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and a separate meeting of the SSC and AP.

The SSC and AP will meet separately on November 29 and 30, in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9:00 a.m.

The Council and its SSC and AP will meet jointly on Thursday and Friday, December 1-2, 1977, in the Jury Assembly Room #401, State Court Bldg., 303 K Street, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

PROPOSED AGENDA

DECEMBER 1

1. Executive Director's Report and other Council administrative business.
2. Reports from Scientific and Statistical Committee and Advisory Panel.
3. Progress report and update from Council's Drafting Management Planning Teams.
4. Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), and the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians.
5. Period for public comment.
6. Review of foreign fishing activities.

DECEMBER 2

1. Discussions of three management plans: Tanner Crab off Alaska; Gulf of Alaska Groundfish Fishery during 1978; and Commercial Troll Fisheries off the Coast of Alaska.
2. Other Council business.

The meeting will be open to the public. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone (907) 274-4563.

A closed session of the Council is planned for the early afternoon of the first day, December 1, from 1:30 p.m. through 3:30 p.m. to hear Department of State reports and other related Council business on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on November 7, 1977 pursuant to Section 10 (d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters authorized to be kept secret in the interest of national defense and foreign policy and properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection

Facility, Room 5317, Department of Commerce.)

Date: November 3, 1977.

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

[FR Doc.77-32642 Filed 11-9-77;8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On September 20, 1977, notice was published in the FEDERAL REGISTER (42 FR 47243-47244) that applications had been filed with the National Marine Fisheries Service by Ernest K. Gustke and the Federal Preparedness Agency of the General Services Administration for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products. Notice is hereby given that on November 7, 1977, as authorized by (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to the following:

1. Ernst K. Gustke, 106 N. 17th Street E., Bradenton, Fla. 33508.

Parts or products exempted. Finished scrimshaw products consisting of approximately 30 engraved whale teeth and finished scrimshaw products to be made from approximately 220 whale teeth and nine pieces of whale teeth.

2. Federal Preparedness Agency, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405.

Parts or products exempted. Approximately 19,595 pounds of sperm whale oil.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: November 4, 1977.

ROLAND F. SMITH,
Acting Assistant Director for Fisheries Management.

[FR Doc.77-32618 Filed 11-9-77;8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On September 8, 1977, notice was published in the FEDERAL REGISTER (42 FR 45019) that applications had been filed with the National Marine Fisheries Service by Leonard F. Porter, Inc., Heinz Lange, Scott Krieger, Leo E. Begin, Martin David Dubin, and Werner G. Smith, Inc., for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products.

Notice is hereby given that on October 27, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to the following:

1. Leonard F. Porter, Inc., 600 Prefontaine Building, Third & Yesler Street, Seattle, Wash. 98104.

Parts or products exempted. Finished scrimshaw products to be made from approximately 2,000 pounds of sperm whale teeth and 2,800 pounds of whale tooth pieces and scrap.

2. Heinz Lange, d.b.a. Northwest Arts & Crafts, 2408 Seventh Avenue West, Seattle, Wash. 98119.

Parts or products exempted. Finished scrimshaw products to be made from approximately 3,250 pounds of sperm whale teeth, 575 pounds of sperm whale tooth pieces and scrap, 842 pounds of whale bone and 220 pounds of baleen.

3. Scott Krieger, 29 Fairway East, Sayville, N.Y. 11782.

Parts or products exempted. Finished scrimshaw products to be made from approximately 310 sperm whale teeth 120 pounds of sperm whale pan bone and 5 pieces of baleen.

4. Leo E. Begin, d.b.a. Olde Windjammer, Little Clear Pond, Plymouth, Mass. 02360.

Parts or products exempted. Finished scrimshaw products consisting of approximately seven whale bone carvings and finished scrimshaw products to be made from approximately 30 large whale teeth, an additional 20 pounds of whale teeth and 30 pounds of whale teeth pieces and scrap.

5. Martin David Dubin, 239 Park Avenue, Highland Park, Ill. 60035.

Parts or products exempted. Finished scrimshaw products consisting of approximately 106 etched whale teeth and 13 items carved from whale teeth, and finished scrimshaw products to be made from approximately 80 whale teeth, 654 individual pieces of whale teeth, one half of the jaw bone of a sperm whale and 20 pieces of whale bone.

6. Werner G. Smith, Inc., 1730 Train Avenue, Cleveland, Ohio 44113.

Parts or products exempted. Approximately 8,282 pounds methylated sperm whale oil and 20,460 pounds of hydrogenated sperm whale oil. The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: November 11, 1977.

ROLAND F. SMITH,
Acting Assistant Director for Fisheries Management.

[FR Doc.77-32619 Filed 11-7-77;8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On October 4, 1977, notice was published in the FEDERAL REGISTER (43 FR 53987-53988) that applications had been filed with the National Marine Fisheries Service by Stephen Barlow, Barry T. O'Neil, Gerald J. Shorrock, G & W Laboratories, Inc., and Cape Cod Scrimshaw, Inc., for Certificates of Exemption to engage in certain commercial activities with respect to their declared inventories of pre-Act endangered species products.

Notice is hereby given that on November 7, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended, (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption to the following:

1. Stephen Barlow, 283 Brook Street, Providence, R.I. 02906.

Parts or products exempted. Two finished scrimshaw carvings from sperm whale bone and finished scrimshaw products to be made from a supply of 89 sperm whale teeth, sperm whale teeth cross-cuts and 17 pounds of whale bone.

2. Barry T. O'Neil, d/b/a The Scrimshaw Shoppe, 98 Lawson Road, Scituate, Mass. 02066.

Parts or products exempted. Finished scrimshaw products to be made from approximately 92 whale teeth.

3. Gerald J. Shorrock, 2222 Sepulveda Boulevard, Los Angeles, Calif. 90064.

Parts or products exempted. Finished scrimshaw products consisting of approximately 47 etched whale teeth, 10 carved whale teeth, 7 carved or etched whale teeth pieces, 93 carved whale bone pieces, 2 items made from carved baleen and one carved section of sperm whale jaw bone containing 6 teeth.

4. G & W Laboratories, 20 Markley Street, Port Reading, N.J. 07064.

Parts or products exempted. Approximately 170.5 pounds of spermaceti.

5. Cape Cod Scrimshaw, Inc., 198 Longview Drive, Centerville, Mass. 02632.

Parts or products exempted. Finished scrimshaw products consisting of approximately 237 jewelry items, 6 etched whale teeth. Finished scrimshaw products to be made from approximately 33 whale teeth, 138 pieces cut from whale teeth, an additional 302.25 pounds of whale teeth, 111 pounds of whale tooth scrap and one sperm whale jaw bone.

The Certificates of Exemption are available for review during normal business hours in the office of the Enforcement Division National Marine Fisheries

Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: November 11, 1977.

ROLAND F. SMITH,
Acting Assistant Director for Fisheries Management.

[FR Doc.77-32620 Filed 11-9-77;8:45 am]

[3510-12]

National Marine Fisheries Service

ZOOLOGICAL SOCIETY OF LONDON

Issuance of Permit To Take A Marine Mammal

On September 28, 1977, notice was published in the FEDERAL REGISTER (42 FR 49836) that an application had been filed with the National Marine Fisheries Service by the Zoological Society of London, Whipsnade Park, Whipsnade, England, for a permit to take one (1) Atlantic bottlenosed dolphin (*Tursiops truncatus*) for public display.

Notice is hereby given that on November 3, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to the Zoological Society of London, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9550 Gandy Boulevard, St. Petersburg, Fla. 33702.

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

NOVEMBER 3, 1977.

[FR Doc.77-32617 Filed 11-9-77;8:45 am]

[4310-09]

DEPARTMENT OF ENERGY

Office of the Acting Assistant Secretary for Resource Applications

CENTRAL VALLEY PROJECT POWER RATES

Notice of Rescheduling Public Comment Forum; Extension of Time for Filing Written Comments

On September 13, 1977, the Department of the Interior issued a press release announcing that it was considering a tentative power rate increase for the Central Valley Project in California and that public forums would be held and comments would be received thereon in accordance with the "Procedures for Public Participation in General Adjustments in Power Rates" published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34431).

On September 16, 1977, a notice of these rate proceedings was published in the FEDERAL REGISTER (42 FR 46619). That notice and the press release announced that a public comment forum would be held on November 17, 1977. However, customer representatives have asked that the public comment forum be delayed to allow more time for the review of relevant data and the preparation of oral and written comments.

In response to these requests, the public comment forum will be rescheduled to November 30 and December 1, 1977. It will begin at 9:30 a.m. each morning and will be held at:

The Ambassador Motel, 2030 Arden Way, Sacramento, Calif.

The published procedures provide that the period for filing written comments will extend until 90 days after the issuance of the initial press release or 15 days after the public comment forum, whichever is later. Accordingly, the comment period is extended from December 12 to December 16, 1977. Persons submitting written comments are requested to supply six copies and to mail or deliver, on or before December 16, 1977, three copies to:

Acting Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825.

and three copies to:

Acting Administrator, Western Area Power Administration, Department of Energy, Room 7612, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: November 4, 1977.

THOMAS NOEL,
Acting Assistant Secretary, Resource Applications.

[FR Doc.77-32531 Filed 11-9-77;8:45 am]

[6740-02]

Federal Energy Regulatory Commission

ARCADE ENTERPRISES, INC., AND J. ARON & COMPANY, INC.

[Docket Nos. CS72-143 et al.]

Applications for "Small Producer" Certificates [1]

NOVEMBER 2, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 25, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS72-143	Oct. 3, 1977	Arcade Enterprises, Inc., and [1] J. Aron & Co., Inc.; Vinson & Elkins, 2500 First City National Bank Bldg., Houston, Tex. 77002.
CS72-1191	July 13, 1977	Kanopolis Gas Co., Inc.[2] 1101 17th St. NW., Washington, D.C. 20036.
CS76-235	June 20, 1977	Norcen Petroleum Inc.,[3] Norcen Tower, 715 5th Ave. SW., Calgary, Alberta T2P 2X7.
CS77-784	Oct. 3, 1977	David A. Freshwater,[4] P.O. Box 431, Spencer, W. Va. 25276.
CS77-855	....do....	Mercer Corp.,[5] Vinson and Elkins, 2500 First City National Bank Bldg., Houston, Tex. 77002.
CS78-1	....do....	Karfam Co., 1131 Ocean Ave., Santa Monica, Calif. 90403.
CS78-2	....do....	Tiger Oil International, Inc., 2200 First National Bank, Dallas, Tex. 75202.
CS78-3	....do....	Zia Pipeline, Inc., P.O. Box 160, Roswell, N. Mex. 88201.
CS78-4	....do....	Kenneth A. Ross, Jr., d.b.a. Ken Ross and Co., 1131 Ocean Ave., Santa Monica, Calif. 90403.
CS78-5	....do....	R. L. & T. C. Losure d.b.a. Losure Petroleum Co., P.O. Box 1181, Borger, Tex. 79007.
CS78-6	....do....	RAF Oil Co., 1200 Liberty Tower, Oklahoma City, Okla. 73102.
CS78-7	Oct. 4, 1977	Sinclair Oil Corp., P.O. Box 510, Evansville, Wyo. 82636.
CS78-8	....do....	W. M. Keck, II, 1504 First City East, Houston, Tex. 77002.
CS78-9	Oct. 5, 1977	West Virginia Energy Associates 1977 L.P., 1619 New Hampshire Ave. NW., Washington, D.C. 20009.

Footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS78-10	.....do.....	Industrial Gas Associates '76, 1619 New Hampshire Ave. NW., Washington, D.C. 20009.
CS78-11	.....do.....	Pennsylvania Gas Associates '76, 1619 New Hampshire Ave. NW., Washington, D.C. 20009.
CS78-12	.....do.....	Ritchie Energy Associates, 1619 New Hampshire Ave. NW., Washington, D.C. 20009.
CS78-13	.....do.....	E. Ralph Daniel, 1100 Milam Bldg., Suite 1715, Houston, Tex. 77002.
CS78-14	.....do.....	Fraizer M. Stewart, an individual; and, Natural Resource Consultants, an individually owned proprietorship; 14 Yew St., Norwalk, Conn. 06850.
CS78-15	.....do.....	John W. Pursley, Route 3, Box 74, Jacksboro, Tex. 76056.
CS78-16	Oct. 6, 1977	Chaparral Resources, Inc., 444 17th St., Denver, Colo. 80202.
CS78-17	.....do.....	Monument Energy Corp., 2200 Philtower Bldg., Tulsa, Okla. 74103.
CS78-18	Oct. 11, 1977	Wachtman-Schroeder, P.O. Box 1138, Pawhuska, Okla. 74056.
CS78-19	.....do.....	Earth Scientists, Ltd., 806—A Hickman St., Coffeyville, Kans. 67337.
CS78-20	.....do.....	Harold M. Root, Box 73C, Sedan, Kans. 67361.
CS78-21	.....do.....	Melvin Hambright, Red Eagle Route, Pawhuska, Okla. 74056.
CS78-22	.....do.....	Dean Boulanger and C. C. Boulanger, 317 North Chautauqua, Sedan, Kans. 67301.
CS78-23	.....do.....	Divide Petroleum Co., Box 1055, Pawhuska, Okla. 74056.
CS78-24	.....do.....	White Star Exploration, 117 Wayne St., Manchester, Ky. 40962.
CS78-25	Oct. 12, 1977	Zenith Energy Corp., 2010 Republic Bank Bldg., Dallas, Tex. 75201.
CS78-26	Oct. 14, 1977	Energy Investments, Inc., 5330 East 31st St., No. 402 Tulsa, Okla. 74135.
CS78-27	Oct. 11, 1977	Henry Goodrich d.b.a. Goodrich Oil, Post Office Drawer B., Shreveport, La. 71161.
CS78-28	Oct. 14, 1977	S.E. Duerr, Jr., 805 The 600 Bldg., Corpus Christi Tex. 78473.
CS78-29	.....do.....	SED, Inc., 805 The 600 Bldg., Corpus Christi, Tex. 78473.
CS78-30	Oct. 17, 1977	Zach K. Brinkerhoff, Jr.,[6] 601 Denver Club Bldg., Denver, Colo. 80202.
CS78-31	.....do.....	Brinkerhoff Enterprises, Ltd.,[6] 601 Denver Club Bldg., Denver, Colo. 80202.
CS78-32	.....do.....	RWB Oil Corp.[6] 601 Denver Club Bldg., Denver, Colo. 80202.
CS78-33	.....do.....	M. H. Brinkerhoff,[6] 601 Denver Club Bldg., Denver, Colo. 80202.
CS78-34	.....do.....	William C. Bednar, 1225 Republic National Bank Bldg., Dallas, Tex. 75201.
CS78-35	.....do.....	Petrotex Management Co., 523 Petroleum Tower, Corpus Christi, Tex. 78474.
CS78-36	.....do.....	Charles R. Barr, 1421 First National Bank Bldg., Denver, Colo. 80293.
CS78-37	.....do.....	Kahn and Kramer, 3717 Republic National Bank Tower, Dallas, Tex. 75201.
CS78-38	.....do.....	Betsy Thomas Trust U/W/O Joe N. Champlin, Joanna C. Nave, Trustee 700 First National Bank Bldg., P.O. Box 3488, Enid, Okla. 73701
CS78-39	.....do.....	Victor Hale, 308 South 3d Ave., Prestonsburg, Ky. 41653.
CS78-40	Oct. 19, 1977	McNaughton Gas and Oil Co., 827 Santa Paula Way, Davis, Calif. 95616.
CS78-41	.....do.....	Jerry S. Denman, 1313 Southwest Tower, Houston, Tex. 77002.
CS78-42	Oct. 20, 1977	Gilmer County Oil and Gas Joint Venture, 400 Broad Creek Dr., Oxon Hill, Md. 20022.
CS78-43	.....do.....	N. R. Leatherwood, Jr., 12123 Rhett, Houston, Tex. 77024.
CS78-44	Oct. 25, 1977	Bert M. Gamble, 1717 St. James Pl., Suite 300, Houston, Tex. 77056.
CS78-45	.....do.....	James D. Austin, 1375 Audubon Pl., Beaumont, Tex. 77706.
CS78-46	.....do.....	Donna French, Rt. 2, Box 126, Winnfield, La. 71983.
CS78-47	.....do.....	James H. French, Rt. 2, Box 126, Winnfield, La. 71983.
CS78-48	.....do.....	Larry E. Marland, 1717 St. James Pl., Suite 300, Houston, Tex. 77056.
CS78-49	.....do.....	Stephen E. Collins, 2620 Republic National Bank Tower, Dallas, Tex. 75201.
CS78-50	.....do.....	Sam H. Allen, 2620 Republic National Bank Tower, Dallas, Tex. 75201.
CS78-51	Oct. 21, 1977	Corterra Corp., 333 North Michigan Ave., No. 905, Chicago, Ill. 60601.
CS78-52	Oct. 25, 1977	Geotek Holding Co., Inc., 350 Sansome St., Suite 740, San Francisco, Calif. 94104.
CS78-53	.....do.....	R&G Drilling Co., Walsh Engineering and Products Corp., P.O. Box 254, Farmington, N. Mex. 87401.
CS78-54	.....do.....	James R. Biddick, 306 Philtower Building, Tulsa, Okla. 74103.
CS72-419	Aug. 11, 1977	AMAX Petroleum Corp.,[7] 900 Town And Country Lane, Suite 400, Houston, Tex. 77024.

Footnotes at end of table.

[1] Being noticed to reflect both the names of Arcade Enterprises, Inc., and of J. Aron and Co., Inc.

[2] Being noticed to reflect the termination of "Small Producer Certificate" CS72-1191, issued to Kanopolis on Sept. 5, 1972, by action of the District Court of Ellsworth County, Kans., Case No. 6424, in which Kanopolis was declared insolvent and the company was dissolved.

[3] Being noticed to reflect name change effective as of May 27, 1977, CIGOL Petroleum Inc., as evidenced by filing of Certificate of Amendment of Certificate of Incorporation (State of Delaware), to Norcen Petroleum Inc.

[4] Being noticed to reflect that original applicant's name of L. Robinson Lease, be changed to David A. Freshwater.

[5] Being noticed to reflect that the name of Mercer Corp. be changed to Mercer Corp.

[6] Being noticed to reflect that the properties were acquired effective July 1, 1977.

[7] Being noticed to reflect additional sales of acreage for Sun Oil Co.'s interest in the Fred Stephenson No. 1 well, located in Section 26-T17N-R18W, Dewey County, Okla.

[FR Doc.77-32473 Filed 11-9-77;8:45 am]

[6740-02]

[Docket Nos. G-3108, et al.]

EXXON CORPORATION, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 1, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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 November 11, 1977, file with the Federal Energy Regulator Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-3108 ..... C 9-6-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Cameron Meadows Field, Cameron Parish, La.	[1] 154.5855	14.73
G-3620 ..... D 7-22-77	Kadane Oil Co., P.O. Drawer 1740, Wichita Falls, Tex. 76307.	United Gas Pipeline Co., 2 gas wells (SE72-1T and SE72-2E), Maxie-Pistol Ridge Field, Forrest County, Miss.	(o)	.....
G-4282 ..... C 10-11-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Boonesville Bend Field, Jack County, Tex.	[1] 163.4332¢	14.65
G-5025 ..... G-5659 D 6-27-77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., Tubb-Blinebry Field, Lea County, N. Mex.	(h)	.....
G-5236 ..... C 9-13-77	Cabot Corp. (GLC), (successor to Godfrey L. Cabot), P.O. Box 1473, Charleston, W. Va. 25325.	Consolidated Gas Supply Corp., certain acreage in Northfork District, McDowell County, W. Va.	(i)	14.65
G-7004 ..... D 10-20-77	Pennzoil Co., 3000 1 Shell Plaza, Houston, Tex. 77002.	Consolidated Gas Supply Corp., certain acreage in West Virginia.	(c)	.....
G-7241 ..... C 8-23-77	Aztec Oil and Gas Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Township 31 North, Range 11 West, Calloway No. 3 well, pictured cliffs formation, San Juan County, N. Mex.	(i)	15.025
G-9947 ..... C 8-9-77	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Colorado Interstate Gas Co., certain acreage in Beaver County, Okla.	(i)	14.65
G-9991 ..... D 7-25-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Nichols Field, Kiowa County, Kans.	(d)	.....
G-11766 ..... D 10-25-77	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	(e)	.....
G-11861 ..... C 3-22-77	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Co., NW Sharon Field, Barber County, Kans.	[1] 53.09¢	14.65
G-11989 [2] ..... D 8-11-77	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak and McMullen Counties, Tex.	(j)	.....
G-12012 ..... D 10-11-77	Union Oil Co. of California, 2223 Dodge St., Omaha, Nebr. 68102.	Northern Natural Gas Co., Harper Ranch Field, Clark and Comanche Counties, Kans.	(g)	.....
G-12548 ..... D 8-16-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Northern Natural Gas Co., W. Perryton Field, Ochiltree County, Tex.	(k)	.....
G-12656 ..... D 7-13-77	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Co., N. W. Sharon Field, Barber County, Kans.	(i)	.....
G-13291 ..... D 10-25-77	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Northern Natural Gas Co., Farnsworth Field, Hansford and Ochiltree Counties, Tex.	(j)	.....
G-14143 ..... D 8-30-77	Sun Oil Co	Northern Natural Gas Co., certain acreage of northeast Glenwood Field, Beaver County, Okla.	(c)	.....
G-14475 ..... C 8-8-77	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Levelland Field, Cochran County, Tex.	[1] 18.5¢	14.73
G-15058 ..... D 10-11-77	Oklahoma Natural Gas Co., 624 South Boston Ave., Tulsa, Okla. 74119.	Northern Natural Gas Co., Mocane Field in Beaver County, Okla.	(k)	.....
G-18663 ..... C 8-11-77	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Natural Gas Pipeline Co. of America, Southeast Boyd Field, Beaver County, Okla.	[1] 19.2822¢	14.65
CI61-524 ..... D 7-25-77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Woodward Field, Woodward County, Okla.	(l)	.....
CI61-1327 [3] ..... D 7-11-77	Mobil Oil Corp	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	.....	.....
CI61-1565 ..... C 10-14-77	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001	Panhandle Eastern Pipe Line Co., Bawbell "A" No. 2 well in the Postle Hough gas area, Texas County, Okla.	(l)	14.65
CI62-26 [4] ..... D 6-27-77	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	(m)	.....
CI62-1498 ..... D 5-31-77	Aylward Drilling Co. (operator), A. and J. Oil Co., and Andover Oil Co., 909 First National Bank Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Barkley No. 2 gas well in Stumph-Smith Field, Barber County, Kans.	(g)	.....
CI63-150 ..... D 9-19-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Northern Natural Gas Co., Como Field, Beaver County, Tex.	(n)	.....
CI63-607 ..... D 7-5-77	Pioneer Production Corp., et al., P.O. Box 2542, Amarillo, Tex. 79105.	Transwestern Pipeline Co., T. R. Laubhan Lease, section 1150, block 43, H. & T.C. Survey, Lipscomb County, Tex.	(g)	.....
CI66-1263 ..... D 9-26-77	Texaco Inc. (operator), et al., P.O. Box 60252, New Orleans, La. 70160.	Southern Natural Gas Co., South Pass block 27, Garden Island Bay Fields, Plaquemines Parish, La.	(g, m)	.....
CI67-324 ..... D 7-11-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Morrow formation only in Seeley well No. A-1, section 29, T29N R20W, Woods County, Okla.	(b)	.....
CI69-262 ..... C 9-1-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	(l)	14.65
CI69-1021 [4] ..... D 6-17-77	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Arkansas Louisiana Gas Co., certain acreage from the Kinta Field, Pittsburg County, Okla.	.....	.....
CI70-622 ..... D 7-13-77	Texaco Inc	Transcontinental Gas Pipe Line Corp., from Canos and leases in Eugene Island, block 208 field, offshore Louisiana.	(o)	.....

Filing code; A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI71-226..... C 10-5-77	Aminoil U.S.A., Inc. (successor to Signal Oil and Gas Co.), Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	Lone Star Gas Co., certain acreage in Carter County, Okla.	(1)	14.65
CI77-756..... A 8-25-77	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Pacific Alaska LNG Co., Ivan River Field, Cook Inlet area, Alaska.	[1] 153.3000¢	14.73
CI77-757..... A 8-25-77	Atlantic Richfield Co.....	Pacific Alaska LNG Co., Beluga River Field, Cook Inlet area, Alaska.	[1] 152.0833¢	14.73
CI77-786..... A 9-6-77	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, certain acreage in block 262 field Vermilion area, offshore Louisiana.	(1)	15.025
CI78-11 [7]..... D 10-6-77	Clark Fuel Producing Co., 727 Houston Club Bldg., Houston, Tex. 77002.	Tennessee Gas Transmission Co., El Puerto Field, Starr County, Tex.	(p)	.....

[1] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[2] By assignment of oil, gas and mineral lease (S-3186-K), effective Jan. 13, 1977, Mobil assigned to Intramerican Funds, Inc. (75 pct) and Samedan Oil Corp. (25 pct) all of its right, title and interest in and to that certain acreage fully described in said assignment.
[3] By partial assignment of oil and gas leases (S-6067-U) effective Mar. 9, 1977, Mobil assigned to R. Clark Taylor, small producer in docket No. CS75-374, all of its right, title and interest, gas rights only, in and to those leases fully described in said partial assignment, from the top of the Pennsylvanian formation, down to the stratigraphic equivalent of a point 50 ft below the total depth drilled (6,690 ft) in the No. 1 Gribble well.
[4] By assignment of oil and gas lease dated Oct. 30, 1975, Cities Service Oil Co., et al., assigned all right, title and interest in Section 3-4N-24E, Beaver County, Okla., limited to the interval between 6,755 ft down to and including the stratigraphic equivalent of 6,931 ft, as found in the Miles No. 2 well to Elder and Vaughn, a partnership.
[5] Michigan Wisconsin was unable to justify the connection of this well to their gathering system.
[6] By partial assignment of oil and gas leases (S-5411-N), effective Apr. 19, 1977, Mobil assigned to Samson Resources Co., small producer in docket No. CS74-86, all of its right, title and interest in and to that certain acreage from the surface of the ground down to the stratigraphic equivalent of a point fifty (50) ft below the base of the Spiro Sand, said point being identified at a depth of 7,299 ft in the Mustang No. 1-12 Martin well.
[7] Clark Fuel Producing Co. was issued a small producer certificate on Oct. 12, 1971, in docket No. CS71-138. Its certificate issued in docket No. CI61-1279 and its gas rate schedule No. 9 were thereby canceled.

a Abandoned and permanently plugged.
b Reclassified.
c Nonproductive.
d Leases expired and wells plugged and abandoned.
e 2 parcels of acreage nonproductive and other 2 parcels nonproductive and leases terminated.
f Reassigned.
g Depleted.
h The Dave Schoenhals lease has been released unto the lessor, and the wells have been plugged and abandoned.
i Leases expired and all wells plugged and abandoned.
j Nonproductive and leases terminated.
k Leases expired.
l Uneconomical.
m Well plugged and abandoned.
n The Anneda M. Williams No. 1 sec. 4-IN-24ECM, was plugged and abandoned and leases have expired.
o Leases released—supply of gas has depleted and wells plugged and abandoned.
p Leases expired on their own terms.

[FR Doc.77-32472 Filed 11-9-77;8:45 am]

[6740-02]

[Docket No. CP78-40]

NORTHERN NATURAL GAS CO.

Application

NOVEMBER 1, 1977.

Take notice that on October 25, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP78-40 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate 44 small volume sales measuring stations and to sell and deliver additional volumes of natural gas in the states of Montana, Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has received numerous requests for service from right-of-way grantors whose easements provide for the contractual right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. Accordingly, Applicant proposes to install and operate 34 small volume sales measuring stations in Minnesota, Iowa, Nebraska and Kansas which are required to make sales of natural gas to customers through its Peoples Natural Gas Division (Peoples Division). The firm volumes to be delivered would be provided from Peoples Division's presently authorized contract demand, it is said.

The application states that Applicant presently has in operation certain minor sales measuring stations in Oklahoma through which the sale and delivery of natural gas is made to Southern Union Gas Company (S. Union) pursuant to Rate Schedule X-46 of Applicant's FPC Gas Tariff, Original Volume No. 2, which gas is resold by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant states that 6 of its pipeline right-of-way grantors located in So. Union's service areas in Oklahoma have requested natural gas service from Applicant's pipeline. Applicant further states that granting of such authorization requested herein would result in an increase in annual sales to So. Union, under Rate Schedule X-46, of 28,415 Mcf, requiring an increase in the authorized annual sales from 692,294 Mcf to 720,709 Mcf.

It is also stated that Applicant has in operation certain sales measuring stations in Texas through which the sale and delivery of natural gas is made to West Texas Gas, Incorporated (WTG),

and that pursuant to Rate Schedule X-40 of Applicant's FPC Gas Tariff, Original Volume No. 2, the gas is resold to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant indicates that one of its pipeline right-of-way grantors in Texas has requested natural gas service from Applicant's pipeline through WTG, and that this gas is for irrigation engine fuel with an estimated additional annual sales of 2,920 Mcf, resulting in total annual authorized sales of 2,294,031 Mcf to WTG.

Applicant states that it has also received requests from 3 individuals who are right-of-way grantors located in rural areas of Hill and Blaine Counties, Montana, where Applicant operates certain pipeline facilities for the purpose of gathering and transporting natural gas volumes purchased from the Tiger Ridge and Sherard Areas. These three individual right-of-way grantors of applicant desire natural gas service from Applicant's pipeline, it is said. Applicant proposes to install and operate the required delivery stations and make direct sale and delivery of natural gas volumes to the new Montana customers pursuant to the terms of a farm tap service contract between Applicant and the new customer.

The following is a listing of the measuring stations which Applicant proposes to construct and operate together with the capacity of each meter, the estimated peak day (summer and winter) and annual gas requirements of respective consumers, and the primary end-use of the natural gas service:

Utility Project No.	Right-of-Way Grantor	State	Estimated Sales (Mcf) Peak Day 1/ Winter	Peak Day 1/ Summer	Peak Month 1/ Winter	Peak Month 1/ Summer	Annual	Primary End-Use	Daily Meter Cap. (Mcf)
PEOPLES NATURAL GAS DIVISION									
P-1	Berghaus, Jack	Kans.		50.0		1,500	8,000	Irrigation	146.0
P-2	Brosnahan, Joseph L.	Iowa	1.7		25		165	Heat, Res.	13.7
P-3	Carlson, Gerald T.	Minn.	1.3		40		178	Heat, Res.	13.7
P-4	Carlson, Reuben C.	Minn.	1.3		40		178	Heat, Res.	13.7
P-5	Crist, Raymond	Kans.		28.8		850	3,300	Irrigation	93.0
P-6	Dorsey, Wilbur L.	Iowa	1.7		50		330	Heat, Res.	13.7
P-7	Dudley, Wayne C.	Iowa	4.8		40		175	Heat, Res.	13.7
P-8	Elliott, Freeman	Iowa	2.0		30		139	Heat, Res.	13.7
P-9	Engler, Wm. L.	Kans.		100.8		500	1,050	Crop Dryer	146.0
P-10	Fuchser, Paul (Thraikill)	Nebr.	2.0		60		303	Farrowing	13.7
P-11	Graham, James	Nebr.	1.4		40		221	Heat, Res.	13.7
P-12	Guldager, Godfrey	Iowa	1.6		30		205	Heat, Res.	13.7
P-13	Hansen, John	Iowa	1.7		25		165	Heat, Res.	13.7
P-14	Henningsen, Kenneth	Iowa	2.0		28		145	Heat, Res.	13.7
P-15	Jehovah's Witnesses	Minn.	1.8		40		200	Heat, Res.	13.7
P-16	Kaehler, Donald R.	Minn.	1.5		50		256	Heat, Res.	13.7
P-17	Kangas, William A.	Minn.	1.8		40		200	Heat, Res.	13.7
P-18	Keefer, Frank J.	Kans.		33.6		600	3,800	Irrigation	146.0
P-19	Kroese, Ronald G.	Nebr.	1.3		36		203	Heat, Res.	13.7
P-20	Lind, Richard D.	Minn.	1.8		40		200	Heat, Res.	13.7
P-21	Mathison, David P.	Minn.	1.8		40		200	Heat, Res.	13.7
P-22	Meyer, Jerry	Kans.		21.6		576	1,439	Irrigation	93.0
P-23	Moon, Warren	Kans.		33.6		586	3,503	Irrigation	146.0
P-24	O'Connor, Walter R.	Iowa	2.0		30		150	Heat, Res.	13.7
P-25	Orthmann, Nellie E.	Iowa	1.5		35		170	Heat, Res.	13.7
P-26	Pederson, Arthur	Minn.	1.8		40		200	Heat, Res.	13.7
P-27	Pickell, Jack W.	Iowa	1.7		25		165	Heat, Res.	13.7
P-28	Riverside Bible Camp	Iowa	10.0		31		256	Heat, Res.	13.7
P-29	Satterlee, Clark	Iowa		23.0		290	665	Crop Dryer	93.0
P-30	Schmidt, Lonnie W.	Kans.		36.0		1,080	6,760	Irrigation	146.0
P-31	Schultz, Walter	Iowa	2.0		45		190	Heat, Res.	13.7
P-32	Van Keulen, Edward	Minn.	3.0		35		255	Heat, Res.	13.7
P-33	Van Shepen, Edwin	Minn.	1.3		40		178	Heat, Res.	13.7
P-34	White, F. R. Estate	Iowa	3.2		66		300	Heat, Res.	13.7
	Total Peoples Division		58.0	327.4	1,321	5,982	33,844		

1/ Non-Coincidental

Utility Project No.	Right-of-Way Grantor	Estimated Sales (Mcf) Peak Day 1/ Winter	Peak Day 1/ Summer	Peak Month 1/ Winter	Peak Month 1/ Summer	Annual	Primary End-Use	Daily Meter Cap. (Mcf)
SOUTHERN UNION GAS COMPANY								
S-1	Davis, Martha	1.0		20		150	Res. Heat	13.7
S-2	Davison, E.	1.0		20		150	Res. Heat	13.7
S-3	Jeffus Farms		72.0		3,000	25,500	Irrigation	108.0
S-4	McCay, Marie	1.0		20		150	Res. Heat	13.7
S-5	Moeller, Linda Jo	1.5		20		185	Res. Heat	13.7
S-6	Robins, L. D.	—	10.0	—	300	2,280	Irrigation	93.0
	Total Southern Union	4.5	82.0	80	3,300	28,415		
WEST TEXAS GAS, INC.								
W-1	Childress, J. Y.		38.0		650	2,920	Irrigation	192.0
	Total West Texas		38.0		650	2,920		
NORTHERN NATURAL GAS (Direct)								
N-1	Carlson, M. A. and M. G.	3.2		60		295	Res. Heat	13.7
N-2	Olsen, Edward F.	3.2		60		295	Res. Heat	13.7
N-3	Randall, R. G. (Mrs.)	3.2		60		295	Res. Heat	13.7
	Total Northern Direct	9.6		180		885		
		72.1	447.4	158.1	9,932	66,064		

1/ Non-Coincidental

It is indicated that the small volume industrial, commercial and residential service would provide necessary natural gas volumes for individual rural dwellings for space heating, cooking, water heating and clothes drying appliances; seasonal use by farms as irrigation engine fuel; seasonal use by farms in direct firing of agricultural crop drying equipment and for space heating farm buildings.

It is further indicated that the total estimated cost of the facilities proposed to be constructed is $48,025, which cost Applicant proposes to finance by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 22, 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.77-32474 Filed 11-9-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 815-5]

AIR QUALITY MODELING

Conference

EPA will conduct a public conference on air quality modeling on December 14

and 15, 1977 (Wednesday and Thursday), from 9:30 a.m. to 5:00 p.m. each day. The conference will be held at the Thomas Jefferson Auditorium, South Agriculture Building, 14th Street and Independence Avenue, S.W., Washington, D.C.

"Air quality modeling" is a mathematical technique for estimating the effect a particular air pollution source (or group of sources) has or will have on air quality at various locations in an area. Air quality modeling may provide the basis for approving or denying a proposed new pollution source's application to construct, and may also provide the basis for determining the control level required for existing pollution sources. EPA also may rely on air quality modeling to evaluate the sufficiency of implementation plans submitted by States under the Clean Air Act. Modeling thus plays an important role in the administration of the Clean Air Act.

At the conference, EPA intends to focus on the EPA Guideline on Air Quality Models (October, 1977). This document, which EPA considers to be in interim status, already reflects input from five public meetings held earlier this year.

EPA officials will briefly discuss the Guideline development process and the document's contents. The conference will then be open for statements and comments from the National Academy of Sciences, representatives of State and local air pollution control agencies, and several Federal agencies including the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Bureau of Standards. General statements and comments will then be accepted from other interested parties at the direction of the chairman, who will set time limits on each oral presentation.

In order to assist EPA in planning for the conference, persons desiring to attend are asked to notify Joseph A. Tikvart by mail, no later than December 5, 1977, at the following address:

Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD–14), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Phone: 919–541–5262.

In their notifications, persons desiring to speak should identify the organization or corporation (if any) on whose behalf they are entering a statement. Copies of the Guideline will be sent to persons notifying EPA of their intention to attend and copies will be available to all registrants at the Conference.

A verbatim transcript of the conference proceedings will be maintained. Speakers are encouraged to bring extra copies of their presentations for the convenience of the reporter, chairman and other participants. Interested persons will be permitted to enter into the record any written comments they do not present orally.

The conference is being held pursuant to new Section 320 of the Clean Air Act (as added to Section 310 of the Clean Air Act Amendments of 1977, Pub. L. 95–95). As noted elsewhere in today's FEDERAL REGISTER, special attention will be given to modeling issues arising from EPA's program for preventing significant air quality deterioration.

Date: November 7, 1977.

DAVID G. HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-32671 Filed 11-9-77;8:45 am]

[6560-01]

[FRL 804-1]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION AND BACKGROUND

I hereby give notice that I expect to grant the State of California a waiver of Federal preemption under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"),[1] to enforce the California evaporative emission standard and certification procedures applicable to 1980 and subsequent model year gasoline-powered motor vehicles (except motorcycles).[2] Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such waiver shall be granted if he finds that the determination of the State is arbitrary or capricious, that the State of California does not need such State standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent.

The history of the California waiver requests in the area of evaporative emissions control has been traced in the California waiver decisions of January 11, 1977,[3] and May 11, 1977.[4] Subsequent to these decisions, a public hearing was held from May 16, 1977, to May 19, 1977, pursuant to notice published by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER to consider the questions that pertain to today's notice.[5] The decisions on the other waiver questions considered during this public hearing will be published in the FEDERAL REGISTER in the near future.

On September 29, 1977, California determined that the 1980 and subsequent model year California evaporative emission standard was at least as protective of the public health and welfare as the applicable Federal standard. The question of whether such determination was arbitrary and capricious was considered at the EPA public hearing (California waiver hearing) of October 13, 1977. Interested parties were also invited to submit any information by October 31, 1977, on the need for this standard or its consistency with section 202(a) if this information had become available following the initial EPA hearing on this waiver request. Unless I can make the requisite findings required for the denial of the waiver request under section 209(b) of the Act, I will grant the waiver, and a subsequent FEDERAL REGISTER notice will so reflect that decision.

As set forth below, based on all the information presently available to me, I doubt that such findings will be possible, and I therefore expect to grant the waiver. The purpose of this notice is to provide automobile manufacturers with the earliest possible notice of my decision with respect to technology and lead time.

II. DISCUSSION

Public Health and Welfare. Under one of the criteria of section 209(b) of the Act, I cannot grant a waiver if I find that California's determination that its "standards will be, in the aggregrate, at least as protective of public health and welfare as applicable Federal standards" is arbitrary and capricious.[6] California has adopted a 1980 evaporative emission standard of two grams of hydrocarbons (HC) per test.[7] This standard, which also provides an allowance for background emissions from emission data vehicles, is clearly more stringent than the applicable Federal standard of six grams HC per test[8] and is therefore deemed under the Act to be at least as protective of public health and welfare as the Federal standard.[9]

Consistency. Under section 209(b), I also cannot grant a waiver if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. As has been correctly stated by the California Air Resources Board (CARB),[10] the test procedures applicable to 1980 and subsequent model year motor vehicles are identical to those which were the subject of the January 11, 1977, and May 11, 1977, decisions.[11]

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[1] 42 U.S.C. 7543(b)(1).

[2] Throughout this decision, this standard and certification procedures will be referred to as the "1980 California evaporative emission regulations," and are applicable to 1980 and subsequent model year motor vehicles except motorcycles.

[3] *See* 42 FR 3192 (January 17, 1977).

[4] *See* 42 FR 25755 (May 19, 1977).

[5] *See* 42 FR 19372 (April 13, 1977).

[6] 42 U.S.C. § 7543(b)(1)(A).

[7] *See* State of California, Air Resources Board, *Resolution 76–45*, November 23, 1976.

[8] *See* Transcript of Public Hearing on California Waiver Request (May 16–20, 1977), Volume II, at 224–225 (hereinafter "Tr.").

[9] *See* 42 U.S.C. § 7543(b)(2).

[10] *See* Tr., *supra* note 8, at 216.

[11] *See supra* notes 3, 4.

Therefore, for the reasons stated in those decisions, I believe that the test of consistency has been met in the case of the 1980 California evaporative emission regulations. In considering the question of consistency, my finding is not affected by the background allowance provision under these regulations inasmuch as this provision does not require any additional testing or different methods of certification by the vehicle manufacturers.[12] However, this finding may be subject to reconsideration on the basis of any further information submitted on this question between October 13, 1977, and October 31, 1977.

Lead Time and Technology. This issue has traditionally been the key issue in waiver decisions and is the key issue again here. This issue arises from the fact that no waiver shall be granted if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." In order for California standards to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appear to be sufficient to permit the development and application of that technology. In considering questions of lead time and technology, I am guided by the interpretation of section 209(b) of the Act as has been stated in previous waiver decisions.[13]

With regard to the 1980 California evaporative emission regulations, American Motors Corp. stated that the 1980 California standard was not technologically feasible within the lead time remaining to comply with the standard.[14] General Motors Corp. and Ford Motor Co. contended that the questions associated with the risks of noncompliance due to test variability, durability demonstration and high altitude requirements had not been satisfactorily resolved, and therefore, a design target substantially below the two grams HC per test standard was required in order to provide reasonable confidence that an evaporative emission control system could be certified to such a standard.[15] Consequently, General Motors recommended that a judgment in the context of a California waiver decision on a standard more stringent than six grams HC per test be withheld pending an analysis of the data obtained from the certification and production of 1978 motor vehicles.[16] General Motors further contended that the question of the technological feasibility of the 1980 California standard as applicable to passenger cars and light and medium-duty trucks should be addressed separately.[17] Although both Ford and American Motors shared General Motors' view on this point,[18] Ford believed that the technological feasibility problem with respect to light and medium-duty trucks was not significantly more complex than that in the case of passenger cars.[19]

On the other hand, information is available which indicates that this standard is technologically feasible.[20] In this connection, Ford submitted test data on 14 development vehicles which showed emission levels less than the two gram standard using a level of technology identical to the 1978 control system with certain refinements and modifications.[21] General Motors presented test data on nine vehicles which also met the emission levels prescribed under the 1980 California evaporative emission regulations.[22] American Motors stated that a 1977 Hornet development vehicle had already met the 1980 California evaporative emission levels.[23] It also submitted 1977 model year certification data showing emissions performance by a data vehicle in conformance with a two gram standard.[24] However, the manufacturers emphasized that this data represented only development efforts at this time and that certain risks had to be resolved in order to assure a reasonable degree of confidence to certify to 1980 emission levels.[25] The CARB submitted data provided by the manufacturers in their 1978 certification applications indicating that the average evaporative emissions per test of six 1978 durability vehicles was below the 1980 California standard.[26] [27] Finally, taking into

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[12] *See* Tr., *supra* note 8, at 217.

[13] *See* 41 Fed. Reg. 44209, 44210 (October 7, 1976).

[14] *See* Tr., *supra* note 8, at 312–314, 317–319, 324–327, 332.

[15] *See* Tr., *supra* note 8, at 226–229, 231, 233–235, 224–257, 271–272, 287–291, 296–300, 302, 304, 306–308; *see also* Letter from D. A. Jensen, Ford Motor Co., to John P. DeKany, Director, Emission Control Technology Division, Environmental Protection Agency (EPA), September 27, 1976; Letter from T. M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, Mobile Source Enforcement Division (MSED), EPA, June 17, 1977; Letter from John P. Eppel, Ford Motor Co., to Thomas C. Austin, Deputy Executive Officer-Technical, California Air Resources Board (CARB), June 20, 1977. In this regard Ford supported the waiver request under consideration on the condition that amendments to the California certification procedures were adopted which provided for a background allowance for durability vehicles and line-crossing. *See* Tr., *supra* note 8, at 286, 288–290, 293–299, 302, 304, 306–308. (The term "line-crossing" refers to the situation where the durability vehicle interpolated 4,000–5,000 mile points on the least-squares fit straight line drawn through the test data points, and/or the 4,000 and 50,000 mile [or equivalent] bench test points used in determining the deterioration factor exceed the California evaporative emission standard. With regard to durability vehicle test data, this situation does not include the case where no applicable data point exceeded the standard.) Chrysler Corp. generally supported Ford's position on this issue. *See* Letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, June 8, 1977, at 2. However, by letter dated June 9, 1977, the CARB notified the EPA that it had adopted a previous California administrative interpretation prohibition against line-crossing. *See* Letter from G. C. Haas, Chief, Vehicle Emissions Control Division, CARB, to all Gasoline-Powered Light-Duty, Medium-Duty, and Heavy-Duty Vehicle Manufacturers, March 31, 1977. This prohibition is applicable to the certification of 1978 and subseuent model year gasoline-powered motor vehicles (except motorcycles). The manufacturers were provided with an opportunity to comment on this action by the CARB during the May 17, 1977, hearing, and in fact, did address the relevant issues connected with this waiver request on the assumption that the prohibition would remain in effect, as evidenced by their statements. Therefore, I am also considering this prohibition in making my determination today.

With respect to the durability background allowance question. I have determined below that the 1980 California standard is technologically feasible under circumstances where compliance with this standard is determined by the measurement of evaporative emissions from a durability vehicle as a whole. As a result, I cannot grant Ford's request to condition the waiver on the adoption by the CARB of a provision for such an allawance.

[16] *See* Tr., *supra* note 8, at 226–227, 231, 249, 257, 270, 273–274, 279; *see also* Letter from T. M. Fisher to Benjamin R. Jackson, *supra* note 15, at 49.

[17] *See* Tr., *supra* note 8, at 234–235, 277–286; *see also* Letter from T. M. Fisher to Benjamin R. Jackson, *supra* note 15, at 30–40.

[18] *See* Tr., *supra* note 8, at 300, 329–330.

[19] *See* Tr., *supra* note 8, at 301–302.

[20] *See* Tr., *supra* note 8, at 231, 275, 309, 311, 319, 321; *see generally* Memorandum from Michael W. Leiferman, Office of Mobile Source Air Pollution Control, EPA, to Benjamin R. Jackson, Director, MSED, EPA, July 18, 1977. In commenting on the proposed Federal evaporative emission regulations of December 31, 1975 (41 Fed. Reg. 2022, January 13, 1976), the Nissan Motor Company submitted data indicating that a two gram standard could be met through the application of electronic fuel injection technology. *See* Letter from Motoo Harada, Nissan Motor Co., to the Administrator of EPA, February 25, 1976, at 2.

[21] *See* Letter from D. R. Buist, Ford Motor Company, to Benjamin R. Jackson, Director, MSED, EPA, June 9, 1977, at Exhibits 15, 23–39; *see also* Memorandum from Michael W. Leiferman to Benjamin R. Jackson, *supra* note 20, at 7.

[22] *See* Letter from T. M. Fisher to Benjamin R. Jackson, supra note 15, at 15; see also Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 6–7.

[23] See Tr., *supra* note 8, at 314, 323–324, 331–333; see also Letter from William C. Jones, American Motors Corporation, to B. R. Jackson, Director, MSED, EPA, June 3, 1977; Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 8.

[24] See Letter from William C. Jones to B. R. Jackson, supra note 23, at 6.

[25] See supra note 15; see also Tr., supra note 8, at 325, 331–332.

[26] See Statement of California Air Resources Board Before the U.S. EPA Regarding California's Request for a Waiver of Section 209(a) of the Clean Air Act In Order That California may Implement More Stringent Emission Standards and Test Procedures for 1978 and Later Model Year Motorcycles, Passenger Cars, Light-Duty Trucks, and Me-

account the comments of the manufacturers,[27] I believe that the data generated under the Exxon study are to some extent relevant to my waiver determination.[28] In light of the above discussion and the judgment of my technical staff in proposing such a standard on a Federal level,[29] as well as data obtained from the testing of the 1978 motor vehicle certification fleet at the EPA Motor Vehicle Emission Laboratory in Ann Arbor, Michigan,[30] I believe that it is reasonable to conclude that the status of development[31] and rate of progress make it possible to permit vehicle manufacturers to meet the 1980 California standard and to certify a sufficient variety of vehicles to satisfy basic market demand in California.[32] Although the manufacturers have contended that it is feasible to comply with the California two gram standard due to the risks of failure presently associated with certification to such a standard, such a risk of failure is inherent in any compliance testing program and is not a ground for the denial of the waiver request under consideration. In any event, my technical staff has concluded that the test variability encountered during evaporative emissions certification testing is not significantly different from that currently encountered during exhaust emission certification testing, and thus, I conclude that the risk of noncompliance due to test variability is acceptable for the purposes of evaporative emissions certification.[33] Furthermore, I have also concluded that the emissions from non-fuel sources during durability testing are not an additional risk, inasmuch as the test results on which I have based my lead time and technology determinations already include such emissions.[34]

With respect to the costs of compliance with the 1980 California standard, very little specific information was provided by the manufacturers at the hearing. The CARB stated that the retail cost increase of the modifications used in the Exxon study ranged from two to twenty-five dollars per vehicle.[35] General Motors generally agreed with these estimates.[36] Although Ford had not yet considered such costs, it anticipated that it would not utilize underhood fan technology in developing a system to meet this standard.[37] The EPA technical staff has estimated that the sales-weighted retail price increase to reduce evaporative emission levels from six grams to two grams HC per test would be between one and five dollars per vehicle.[38]

As previously mentioned, any interested party could submit certain further information on this finding between October 13, 1977, and October 31, 1977. This finding will therefore be reconsidered in light of this information.

IV. Finding and Decision

Having given due consideration to the record of the public hearing, all material submitted for the record (as of October 13, 1977), and other relevant information, I find that I cannot make, at the present time, the determinations required for a denial of a waiver under section 209(b) of the Act, and therefore, I hereby give notice that I intend to waive application of section 209(a) of the Act to the State of California with respect to the following section of Title 13 of the California Administrative Code:

Section 1976(b), as amended November 23, 1976, June 8, 1977, and "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles Except Motorcycles," adopted April 16, 1975, as amended May 14, 1975, March 31, 1976, October 5, 1976, November 23, 1976, and June 8, 1977.

As mentioned above, I am presently reviewing whether the California determination required under section 209(b) of the Act is arbitrary and capricious. This question was recently considered at the EPA hearing of October 13, 1977. A decision on this question will be published in the Federal Register as soon as my review is completed.

If this waiver is granted, the State of California may grant the background allowance provided under the relevant November 23, 1976, amendment to the California evaporative emission regulations only during the certification of 1980 and subsequent model year motor vehicles. This amendment provides the manufacturers with a 1.0 gram of HC per test background allowance for emission data vehicles during the certification of 1978 and subsequent model year motor vehicles. However, California has only requested a waiver for this amendment as it applies to the certification of 1980 and subsequent model year motor vehicles.[39]

A copy of the above standards and procedures, as well as the record of this hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

Dated: November 2, 1977.

Douglas M. Costle,
Administrator.

[FR Doc.77-32659 Filed 11-9-77;8:45 am]

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dium-Duty Vehicles, in San Francisco, California, May 16–19, 1977, at 13–14. In submitting this data, the CARB did state, though, that only one of those vehicles tested had accumulated 50,000 miles.

[27] See Tr., supra note 8, at 227–231, 241–243, 252; see also Letter from T. M. Fisher to Benjamin R. Jackson, supra note 15, at 50, 51; Letter from D. A. Jensen to John P. DeKany, supra note 15.

[28] See Clarke, P. J., "Investigation and Assessment of Light Duty Vehicle Evaporative Emission Sources and Control," Report Prepared for EPA, June 1976; see also Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 2.

[29] *See* 41 Fed. Reg. 2022 (January 13, 1976).

[30] See Memorandum from Michael W. Lieferman to Benjamin R. Jackson, supra note 20.

[31] General Motors, Ford and American Motors are all in the process of conducting an evaporative emission control system development program to establish final component designs and methods of control to meet the 1980 California standard. See Tr., supra note 8, at 231–233, 262, 270, 274–277, 286–287, 299, 306, 314–315, 319, 325–331.

[32] See Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 10; see also Tr., supra note 8, at 282B–284, 300–302. In this connection, for the reasons stated in previous decisions of the Administrator under section 209(b) of the Act, I must reject General Motors contention, see Tr., supra note 8, at 226–228, 235, 264–269, that the State of California has not sustained its burden of proof in this waiver proceeding. See 41 Fed. Reg. 44209 (October 7, 1976); 42 Fed. Reg. 25755 (May 19, 1977).

[33] See Tr., supra note 8, at 245–246, 248; see also Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 3, 5–7, 10. It should also be noted that vehicles can be retested during the certification process if any such vehicle has originally failed to demonstrate compliance with the standard. Based on an analysis of available statistical information, this opportunity for retest should significantly reduce the risks of noncompliance due to test varability. See id.

[34] See Tr., supra note 8, at 288, 293–294; see also Letter from John P. Eppel to Thomas C. Austin, supra note 15; Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 3–5, 10.

[35] See supra note 28; see also, Tr., supra note 8, at 218.

[36] See Tr., supra note 8, at 258–259.

[37] See Tr., supra note 8, at 310–311. The use of this type of technology would certainly result in a significant increase in the retail cost of a motor vehicle.

[38] See Memorandum from Michael W. Leiferman to Benjamin R. Jackson, supra note 20, at 11–12.

[39] See Tr., supra note 8, at 224–225.

[6560-01]

[FRL-814-7; OPP-40006]

DEPARTMENT OF DEFENSE FEDERAL AGENCY PLAN

Certification of Applicators of Restricted Use Pesticides

Under authority of Section 4(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended (FIFRA) [7 U.S.C. 136b(a)(1)], the Administrator of the Environmental Protection Agency (EPA) published a Notice of Intent to Recognize Federal Agency Certification of Federal Employees to Apply Restricted Use Pesticides. This Notice was published in the

FEDERAL REGISTER on August 19, 1977 (42 FR 41907).

In accordance with terms of the August 19 Federal Register Notice, the Department of Defense has submitted a Federal Agency Plan for the certification of its employees to apply restricted use pesticides in the performance of their duties. .

The Administrator has reviewed this plan and finds that it complies with the terms of the August 19 Federal Register Notice. Accordingly, notice is hereby given of the intention of the Administrator to approve the Department of Defense plan.

A summary of this plan follows. The entire plan, together with attachments, may be examined during business hours at the following locations:

Armed Forces Pest Control Board, Forest Glen Section, Walter Reed Army Medical Center, Executive Secretary, Washington, D.C. 20012, Phone: 202-427-5191.

U.S. Environmental Protection Agency, Office of Pesticide Programs (WH-570), Rm. 2709, 401 M Street, SW., Washington, D.C. 20460, Phone: 202-755-0356.

U.S. Environmental Protection Agency, Region I, John F. Kennedy Bldg.—Room 2113, Boston, Mass. 02203, Phone: 617-223-5777.

U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007, Phone: 212-264-8359.

U.S. Environmental Protection Agency, Region II, Curtis Building, 6th and Walnut Streets—Rm. 3323, Philadelphia, Pa., 19106, Phone: 215-597-9869.

U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE.—Rm. 204, Atlanta, Ga. 30308, Phone: 404-881-3621.

U.S Environmental Protection Agency, Region V, Federal Office Building, 230 South Dearborn Street, Chicago, Ill. 60604, Phone: 312-353-2192.

U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, First International Bldg.—28th floor, Dallas, Tex. 75270, Phone: 214-749-1121.

U.S. Environmental Protection Agency, Region VII, 1735 Baltimore Avenue, 1st floor, Kansas City, Mo. 64108, Phone: 816-374-3036.

U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colo. 80295; Phone: 303-837-3926.

U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, 5th floor, San Francisco, Calif. 94105, Phone: 415-556-3352.

U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue—Rm. 11C, Seattle, Wash. 98101, Phone: 206-442-1090.

The plan is also available for inspection at selected Department of Defense installations throughout the country. Interested persons desiring the location of the installation in their State should contact the Armed Forces Pest Control Board at the address given above.

SUMMARY OF FEDERAL AGENCY PLAN

The Office of the Secretary of Defense, Deputy Assistant Secretary of Defense (Energy, Environment and Safety), Armed Forces Pest Control Board (AFPCB) was designated as the lead agency responsible for the program's development, implementation and coordination.

In its coordinating capacity the AFPCB serves as a consultant body to the cooperating military services on pest management programs, provides liaison with other Federal and State agencies in these matters, and provides guidance to the cooperating agencies on standards for pesticide applicator competency levels. The cooperating agencies specified in the plan are: Department of the Army, Office of the Chief of Engineers and Office of the Surgeon General; Department of the Navy, Naval Facilities Engineering Command and Bureau of Medicine and Surgery; Department of the Air Force, Directorate of Civil Engineering and Office of the Surgeon General.

Federal employees are considered by EPA to be commercial applicators. The Department of Defense has proposed certification for its employees in one or more of the 10 commercial categories defined in 40 CFR Section 171.3 plus an additional proposed category defined as Aerial Applicator Pest Control. The Department of Defense has requested EPA to approve this additional category addressing the application of pesticides by aircraft, which includes dispersal of pesticides for control of mosquitoes and other insects of medical importance and for the control of vegetation and economic pests which damage or destroy property. In the EPA established category of Agricultural Pest Control, certification will only be provided in the Animal subcategory. The Department of Defense is not involved in the application of pesticides to croplands and therefore does not propose at this time to certify in the Plant subcategory. Should a need arise in the future, specific training and testing procedures would be developed and submitted for consideration. The plan estimates that 2400 applicators will be certified and that most of these applicators will hold certification in at least three categories.

The applicator certification program consists of a training phase and a certification phase. While not all categories of applicators must undergo training, if they meet specified criteria, all must be examined for competency. Prior to certification all applicators must pass a written examination and demonstrate on-the-job competency. Samples of written test questions are included in the plan.

All applicators currently authorized to apply pesticides under existing Department of Defense regulations will be required to become certified under the new procedures as specified in the plan. Further, all applicators who have not undergone training since October 21, 1972 in Department of Defense courses comparable to those contained in the plan will undergo the training requirements specified in the plan.

The certification process allows for the inclusion of more stringent substantive State standards. In instances where a State decides its substantive standard is more stringent than or is additional to standards established in the plan, it may notify the Department of Defense and request compliance. The request will be immediately forwarded to the Administrator, EPA. As soon as possible thereafter, the Department of Defense will forward its opinion as to whether the standard is substantive or administrative in nature. In cases of disagreement between the State and the Department of Defense, the plan proposes mediation by the Administrator, EPA.

Certification is valid for a period not to exceed three years. The plan cites Department of Defense Directives that require the cooperating agencies to conduct periodic programs to assure that applicators continue to meet the requirements of changing technology. Annual inspections of installation pest control activities will be performed by professional pest management personnel at which time competency of certified employees will be evaluated and recommendations for early recertification will be made as required.

Certified applicators will be issued a certificate and wallet-size identification card to be carried when applying pesticides or supervising their application. These documents will identify the certified applicator, the categories in which he is certified, the date of issuance, expiration date, and issuing authority. An example of this document is contained in the plan.

Pesticides will be applied either by a certified applicator or by a competent applicator under the control of a certified applicator. The degree of supervision will depend upon the potential hazards associated with the operation. The certified applicator will retain responsibility and will be available if and when required.

Authority for the denying, suspending and revoking certification rests with the installation commander in consultation with appropriate command pest management personnel. Any applicator who falsifies records or who violates any provision of the Federal Insecticide, Fungicide, and Rodenticide Act, including the prohibition against misuse of pesticides, may have his certification suspended or revoked. In the event of criminal conviction or imposition of a civil penalty for violations of FIFRA, the installation commander will initiate immediate action to suspend or revoke certification.

The plan states as an objective the institution of Integrated Pest Management programs at all Department of Defense installations. The plan reviews past Department of Defense activities in the Integrated Pest Management area, including research, and discusses future Department of Defense activities in this area.

A report on pesticide usage is submitted monthly by each military installation to the appropriate cooperating agency pest management professional. The report is standardized with a sample included in the plan and identifies pesticides being employed in control programs, amounts, method of application, dosage used and area treated. This information is maintained and available

for at least two years to Federal officials and State Lead Agency officials.

Annual reports will be submitted to the Administrator, EPA. The report will contain information as outlined in 40 CFR Section 171.7(d) and other information that is considered appropriate. The report will be based on the activities for the fiscal year and will be submitted by March 31. Other reports will be submitted as required by the Administrator.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed Federal Agency Plan for the Department of Defense to U.S. Environmental Protection Agency, Office of Pesticide Programs (WH–570), 401 M Street, S.W., Rm. 2709, Washington, D.C. 20460, ATTN: John MacDonald, phone: 202–755–0356. Such comments should be submitted on or before December 12, 1977 and should bear the identifying notation OPP–40006.

Dated: November 3, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77–32526 Filed 11–9–77;8:45 am]

[6560–01]

[FRL 814—6]

SCIENCE ADVISORY BOARD ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Cancellation of Meeting

Under Public Law 92–463, notice is hereby given that the meeting of the Environmental Health Advisory Committee of the Science Advisory Board scheduled for November 17 and, if necessary, November 18, 1977, will not be held. The meeting was announced in the FEDERAL REGISTER, Vol. 42, No. 210, page 57157, on Tuesday, November 1, 1977.

The meeting will be rescheduled for some time in December 1977. The new date and details of the rescheduled meeting will be announced in the FEDERAL REGISTER shortly.

Further information on this concellation and rescheduling may be obtained from the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703–557–7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

NOVEMBER 4, 1977.

[FR Doc.77–32537 Filed 11–9–77;8:45 am]

[6560–01]

[FRL 815–2]

STATE OF ILLINOIS PROGRAM FOR CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Approval

Notice is given hereby that the U.S. Environmental Protection Agency (EPA) has granted the State of Illinois' request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (P.L. 92–500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act established the NPDES program, under which the Adminitsrator of EPA may issue permits for the discharge of a pollutant upon the condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit its proposed program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to the program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On July 8, 1977, the Governor of the State of Illinois submitted a program for carrying out its proposed NPDES program. On September 7, 1977, EPA conducted a public hearing on the proposed NPDES program in Chicago, Ill. After a review of the Illinois program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor James Thompson in a letter dated October 23, 1977.

As of October 23, 1977, the Illinois NPDES permit program is being administered by the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Ill. 62706, telephone 217–782–3397. Mr. Mike Mauzy is the Acting Director of the Agency. The Illinois program is being administered in accordance with Illinois statutes and regulations and a Memorandum of Agreement between Illinois and EPA's Region V Office, 230 South Dearborn Street, Chicago, Ill. 60604, telephone 312–353–2000. All pertinent documents are available for inspection at the Agency, at EPA's Chicago Regional Office, and at EPA's Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: November 3, 1977.

RICHARD D. WILSON,
Acting Assistant Administrator
for Enforcement.

[FR Doc.77–32661 Filed 11–9–77;8:45 am]

[6560–01]

[FRL 815–1; (OPP–42024B)]

STATE OF TEXAS

State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides, Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as mended (86 Stat. 973; 7 U.S.C. 136 et. seq.), and the implementing regulations, found at 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On October 13, 1976, the Texas State Plan was approved contingent upon enactment of proposed amendments to existing legislation and subsequent promulgation of implementing regulations. Notice of contingent approval was published on November 9, 1976 (41 FR 49517).

The Texas legislature adjourned without meeting the proposed legislative contingencies. However, the Texas Department of Agriculture, as lead agency, has proposed an alternative regulatory approach which it asserts will effectively prevent use of restricted use pesticides by uncertified persons and will thereby accomplish the same objectives as the proposed statutory amendments. The Department of Agriculture has requested that EPA accept this alternative approach in lieu of legislative changes upon which contingent approval was premised. This alternative approach, which is designed to limit the sale or distribution of restricted use pesticides to certified applicators or persons working under their direct supervision, is described below.

On October 21, 1977, the Texas Department of Agriculture adopted amendments to Texas Pesticide Control Regulation 176.23.10.111, promulgated under authority of Article 135b–5, Texas Civil Statutes, as follows:

111. PESTICIDE DEALERS

(d) Records of sales of restricted-use or state-limited use pesticides.

(1) All pesticide dealers are required to maintain records of sales for a period of two years.

(2) These records will be submitted to the commissioner at his request.

(3) Information to be recorded in the register shall include:

(A) Name [and] address, and certified applicator number of the person to whom the pesticide was sold or delivered; (B) date of sale; (C) brand name and manufacturer of the pesticide; (D) quantity of pesticide sold.

(4) Invoices with above information will be accepted as record as long as they are kept separate from other sales records.

(5) Restricted-use or state-limited-use pesticides can only be sold to certified applicators or person acting under the direct supervision of a certified applicator.

In addition, Texas has agreed to conduct regular spot checks of dealer records to ensure compliance with the State's prohibition against sale of restricted-use pesticides to uncertified applicators, and will further notify EPA of

any known or suspected sale of restricted pesticides to uncertified applicators.

Under Section 21 of the Texas Pesticide Control Act, the Commissioner of Agriculture is authorized to establish a program for the certification of private applicators to use restricted-use pesticides. To date the Texas Department of Agriculture has certified 41,707 private and 10,631 commercial applicators. Once an applicator becomes certified, he comes under the full regulatory authorities required in 40 CFR 171.7(b) (1) (iii).

The Texas legislature has appropriated funds to the Texas Department of Agriculture and Texas State law provides for the collection of testing and licensing fees which will be used to administer the certification program.

The Regional Administrator, EPA Region VI, in recognition of the actions of the State to strengthen its regulatory program at the dealer level, agrees that the Texas approach offers an effective means to prevent uncertified use of restricted pesticides. She has, therefore, determined that all legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, and hereby gives notice that the Texas State Plan is now fully approved.

Dated: October 28, 1977.

ADLENE HARRISON,
Regional Administrator,
Region VI.

[FR Doc.77-32660 Filed 11-9-77;8:45 am]

[6715-01]

FEDERAL ELECTION COMMISSION

[Notice 1977-52]

PUBLICATION OF ADVISORY OPINION REQUESTS DISCONTINUED

Effective October 1, 1977, the Commission has discontinued its practice of publishing summaries of Advisory Opinion Requests in the FEDERAL REGISTER; however, pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, as prescribed April 13, 1977 (42 FR 19324) and codified in Title 11 of the Code of Federal Regulations, Advisory Opinion Requests will continue to be made public at the Commission as they are received. Copies of Advisory Opinion Requests are available for public inspection and purchase at the Federal Election Commission, Public Records Division, 1325 K Street NW., Washington, D.C. 20463.

The Commission will continue periodically to prepare and make available for public inspection and copying a cumulative subject matter index of Advisory Opinions (AO) issued. The index will also include AO citations to the relevant sections of the U.S. Code and the regulations of the Commission.

This change in publishing summaries of AORs in the FEDERAL REGISTER is occasioned by the Legislative Branch Appropriations Act of 1978 (Pub. L. 95-94, August 5, 1977).

Dated: November 2, 1977.

THOMAS E. HARRIS,
Chairman for the
Federal Election Commission.

[FR Doc.77-32537 Filed 11-9-77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the operators indicated by an asterisk (*) have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of Section 204 Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01011---	Aktieselskabet det Ostasiatiske Kompagni: *Fionia.*
01016---	C. Clausen Dampskibsrederi A/S: *Dorrit Clausen, Clara Clausen.*
01032---	The Graig Shipping Co. Ltd.: *Graigwen.*
01035---	Ove Skou: *Arctic Skou.*
01059---	London & Overseas Freighters Ltd.: *London Earl.*
01185---	Aksjeselskapet Kosmos: *Jarilla.*
01429---	Pacific Maritime Services Ltd.: *Soldier Prince.*
01533---	Henry Nielsen OY/AB: *Puhos.*
01610---	C F Industries Inc.: *CF 206, CF 205, 201.*
01910---	Deutsche Dampfschifffahrts Gesellschaft "Hansa": *Seatrain Valley Forge, Rauenfels.*
01994---	Providence Shipping Co.: *Gedeh.*
02013---	Granges AB: *Suorva.*
02032---	D B Deniz Nakliyati T A S: *Amiral Fahri Engin.*
02152---	A/F Klaveness & Co. A/S: *Solstad.*
02301---	Naviera Vizcaina S.A.: *Mundaca, Almirante Rotaeche.*
02416---	Boland & Cornelius Inc.: *Belle River.*
02500---	Collier Carbon & Chemical Corp.: *Columbia, Cornucopia.*
02519---	S.A. Louis Dreyfus & Cie: *Edouard L.D.*
02521---	Metcalfe Shipping Co. Ltd.: *Dunelmia, Industria.*
02582---	Jugoslaevnska Tankerska Plovidba Oour Jugotanker: *Gospic, Molat.*
02610---	Peter Dohle Schiffahrts-KG: *Atalanta, Impala.*
02857---	Trans-Pacific Shipping Co.: *Pacmerchant.*
02935---	Cable & Wireless Ltd.: *Cable Venture.*
02956---	Ashland Oil Inc.: *Ellis-2007.*
03004---	Rederi AB Soya: *Rigoletto.*
03467---	Nichiro Gyogyo K.K.: *Shinsei Maru No. 7, Akebono Maru No. 25.*
03625---	Hygrade Operators, Inc.: *Hygrade No. 10.*
03980---	Moran Towing & Transportation Co., Inc.: *Margaret Moran.*
04056---	Ugland Shipping Co. A/S Jorgensens Rederi A/S Skibs A/S Kysten: *Rosyth.*
04357---	Nedlloyd Lijnen B.V.: *Nedlloyd Dejima, Nedlloyd Delft, Nedlloyd Tasman, Nedlloyd Leuve, Nedlloyd Loire, Nedlloyd Lek, Nedlloyd Linge, Nedlloyd Waalekerk, Nedlloyd Westerkerk, Nedlloyd Willemskerk, Nedlloyd Wissekerk, Nedlloyd Rhone, Nedlloyd Rijn, Nedlloyd Serooskerk, Nedlloyd Simonskerk, Nedlloyd Sinoutskerk, Nedlloyd Spaarnekerk, Nedlloyd Steenkerk, Nedlloyd Streefkerk, Nedlloyd Schelde, Nedlloyd Schie, Nedlloyd Seine, Nedlloyd Maas, Nedlloyd Madison, Nedlloyd Main, Nedlloyd Marne, Nedlloyd Mersey, Nedlloyd Merwe, Nedlloyd Mississippi, Nedlloyd Musi, Nedlloyd Ebro, Nedlloyd Eems, Nedlloyd Elbe, Nedlloyd Waal, Nedlloyd Weser, Nedlloyd Kapelle, Nedlloyd Karakorum, Nedlloyd Laarderkerk, Nedlloyd Lelykerk, Nedlloyd Bovenkerk, Nedlloyd Kyoto, Nedlloyd Kimberly, Wonosobo, Zuiderkerk, Zonnekerk, Zaankerk, Batu, Batjan, Leiderkerk, Banggai, Nedlloyd Kingston, Nedlloyd Kembla, Nedlloyd Katwijk, Amstelstad, Nedlloyd Rockanje.*
04404---	Lars Rej Johansen: *Johero.*
04422---	Hai Shang Navigation Corp.: *Grand Justice, Grand Navigator, Grand Unity.*
04558---	Daiei Gyogyo Kabushiki Kaisha: *Daiei Maru No. 22.*
04565---	Consolidated Navigation Corp.: *Burmah Spar.*
04664---	Hindman Transportation Co. Ltd.: *George Hindman.*
04803---	Brent Towing Co. Inc.: B-2024, B-2028.
05368---	Kyowa Kaiun Kabushiki Kaisha: *Takatsuki Maru.*
05548---	Dravo Corp.: *Helen R.*
05577---	Far Eastern Shipping Co.: *Botsman Moshkov.*
06019---	Field Tank Steamship Co. Ltd.: *Edenfield.*
06063---	Belcher Towing Co.: *Belcher No. 28.*
06812---	Cho Yang Shipping Co. Ltd.: *Duchess.*
06877---	Societe Francaise De Transports Maritimes: *Penavel.*
06965---	Scandinavian Motorships AB: *Bellman.*
07366---	Compagnie Maritime Des Chargeurs Reunis: *American Arrow.*
08022---	Nissei Shipping Co. Ltd.: *Car Liner No. 1, Car Liner No. 2.*
08064---	Santa Fe-Pomeroy Marine Services Co.: *Azteca.*
08071---	Anglo Nordic Bulkships (Management) Ltd.: *Julius Hammer.*
08175---	Gunther Schulz Schulauer Schiffahrtskontor: *Oeland.*

Certificate No.	Owner/operator and vessels
08617---	Fairmont Enterprises Ltd.: *True Joy.*
09038---	Umpqua River Navigation Co. Division of Bohemia, Inc.: *Umpqua. No. 6.*
09204---	Sea Alaska Products Inc.: *Stormy Seas.*
09622---	Man Cheung Yuen Services Ltd.: *Everdawn.*
09792---	United Fair Agencies Ltd.: *Grand Spruce.*
09885---	Imro Maritima S.A.: *Noga.*
10260---	Hollywood Marine Inc.: *TCB 307, Offshore Fueler, Hollywood 1806, Belcher No. 35.*
10997---	Spanocean Ltd.: *Irish Wasa.*
11005---	Reederei E. Jacob K. G.: *Josef Stewing.*
11083---	Sagami Marine Industries Co. Ltd.: *Tengco.*
11680---	Murton Shipping Corp.: *Providence.*
11724---	Pentland Management Services Ltd.: *Pentland Moor.*
11828---	Kosmos Bulkschiffahrt Gmbh: *Hildesheim.*
11990---	Reforma S.A.: *The Big R.*
99013---	Mobil Oil Corp.:* *Mobil Arctic, Mobil Meridan.*
99014---	United Carriers Inc.:* *Hercules.*
99015---	Alaska Bulk Carriers Inc.:* *Glacier Bay.*
99016---	Manhattan Tankers Co., Inc.:* *Manhattan.*
99017---	B. P. Tanker Co. Ltd.:* *British Resolution.*
99018---	Albatross Tanker Corp.:* *Erna Elizabeth.*
99018---	Albatross Tanker Corp.:* *Erna seas Joyce.*
99021---	Gulf Oil Corp.:* *Gulfking, Gulfprince, Gulfknight, Gulfqueen, American Spirit.*
99022---	Monticello Tanker Co.:* *Monticello Victory.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-32621 Filed 11-9-77;8:45 am]

[6732-01]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the FMCS Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), will meet on Thursday, December 1, and Friday, December 2, 1977, at 9:30 a.m., in Conference Room 412, 2100 K Street NW., Washington, D.C.

The agenda is as follows:

I. Status of recertification of arbitration roster.

II. Arbitration roster review board.

III. Fiscal year 1977 statistics.

IV. Staffing of Office of Arbitration Services.

V. Progress on publication of awards.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to:

Mr. John Canestraight, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this third day of November 1977.

WAYNE L. HORVITZ,
Director.

[FR Doc.77-32607 Filed 11-9-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

GREENWALD BANCSHARES, INC.

Formation of Bank Holding Co.

Greenwald Bancshares, Inc., Greenwald, Minn., 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 80.3 percent of the voting shares of State Bank of Greenwald, Greenwald, Minn. 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 Reserve Bank, to be received not later than December 7, 1977.

Board of Governors of the Federal Reserve System, November 4, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-32592 Filed 11-9-77;8:45 am]

[6210-01]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

On October 18, 1977, the Federal Open Market Committee voted to decrease from $3 billion to $2 billion the limit on Federal Reserve Bank holdings of special short-term certificates of indebtedness purchased directly from the Treasury, specified in paragraph 2 of the Authorization for Domestic Open Market Operations, effective immediately. The amended paragraph reads as follows:

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, or, under special circumstances, such as when the New York Reserve Bank is closed, any other Federal Reserve Bank, to purchase directly from the Treasury for its own account (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $2 billion.

NOTE.—For paragraph 2 of the Authorization see 40 FR 10660. By order of the Federal Open Market Committee, November 2, 1977

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-32591 Filed 11-9-77;8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

STAFF MEMBERS

Delegation of Authority

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 FR 6191), the Federal Trade Commission announces that it has made the following delegation of authority:

With regard to investigations arising under Section 4.1(e) of the Rules of Practice, 16 CFR 4.1(e), the Commission has delegated to the General Counsel the power to issue investigational subpoenas.

By direction of the Commission dated October 26, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-32584 Filed 11-9-77;8:45 a.m.]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 3, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 28, 1977, and should be addressed to Mr. John Lovelady, Acting Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of 10 CFR 33.13, 33.14, and 33.15 which contain reporting requirements for applications for specific licenses of broad scope for byproduct material. Section 33.13 includes the re-

quirements for issuance of a "Type A specific license of broad scope;" section 33.14 includes the requirements for issuance of a "Type B specific license of broad scope;" and section 33.15 includes the requirements for a "Type C specific license of broad scope." The NRC estimates that applicants number approximately 60 annually and that reporting time averages 32 hours for applications under section 33.13; 4 hours for applications under section 33.14; and one-half hour for applications under section 33.15.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-32601 Filed 11-9-77;8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(a)(a)). This document is intended to notify the general public of their opportunity to attend.

DATE: 8:30 a.m. to 4:30 p.m., December 5, 1977.

ADDRESS: Sheraton Seaside Hotel, Pennsylvania Avenue at the Boardwalk, Atlantic City, N. J.

FOR FURTHER INFORMATION CONTACT:

Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. 20004, 202-376-8873.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is directed to:

(A) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The Meeting of the National Advisory Council on Vocational Education on December 5, 1977, will include the following agenda items:

(a.m.) Report of the Chairman.
Report of the Executive Director.
Approval of September Minutes.
Introduction of Guests.
Review of Budget Commitments.
Discussion of Other Council Reports and Business.
(p.m.) Continuation of Discussion of Other Council Reports and Business.

A Meeting of the Council Task Force on the Administration and Operation of the Bureau of Occupational and Adult Education of the U.S. Office of Education will take place at 1:30 p.m. on Saturday, December 3, 1977, in the St. Giles Room at the Resorts International West which is a part of the Chalfont Hadden Hotel.

Records shall be kept of all Council proceedings and shall be available fourteen days after the Meeting for public inspection at the Office of the National Advisory Council on Vocational Education located at 425 13th Street NW., Suite 412, Washington, D.C. 20004, under 5 U.S.C. 552(b).

Signed at Washington, D.C. on November 7, 1977.

REGINALD E. PETTY,
Executive Director, National Advisory Council on Vocational Education.

[FR Doc.77-32573 Filed 11-9-77;8:45 am]

[4110-12]

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on December 7, 1977, from 9 a.m. to 4:30 p.m., in the conference room on the 6th floor, 200 Independence Avenue SW., Washington, D.C. 20201. The meeting will be continued on December 8, 1977, from 9 a.m. to 4:30 p.m. at the same location.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda will include a discussion of policies on the scope of NCES programs and services with particular emphasis on data acquisition and statistical services.

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than November 30, 1977, to:

Acting Executive Director, Advisory Council on Education Statistics, Room 3003, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C., on November 5, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

[FR Doc.77-32599 Filed 11-9-77;8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-77-813]

NATIONAL FLOOD INSURANCE PROGRAM

Secretary's Report to the Congress Upon Making Determination To Operate Under Part B Framework

AGENCY: Housing and Urban Development-Federal Insurance Administration.

ACTION: Notice of report.

SUMMARY: The Secretary is publishing this report to the Congress after consultation with the Insurance Industry, and after determination that the Flood Insurance Program under the National Flood Insurance Act of 1968, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for Flood Insurance. The report: (1) Sets forth reasons for this determination, (2) contains support for pertinent findings, (3) indicates to what extent utilization of the insurance industry is anticipated under the program, and (4) contains recommendations of the Secretary.

DETERMINATION DATE: The Secretary determined on November 2, 1977 that operation of the Flood Insurance Program would be assisted materially by Federal Government assumption, in whole or in part, of the operational responsibility for Flood Insurance.

FOR FURTHER INFORMATION CONTACT:

Ruth Prokop, General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20401, 202–755–7244.

SUPPLEMENTAL INFORMATION:

PART B—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

DETERMINATION

After consultation with representatives of the insurance industry, I do hereby determine that operation of the flood insurance program authorized by the National Flood Insurance Act of 1968 would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance.

NOVEMBER 2, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

REPORT TO THE CONGRESS UPON MAKING DETERMINATION TO OPERATE THE NATIONAL FLOOD INSURANCE PROGRAM UNDER PART B FRAMEWORK

This report is submitted to the Congress pursuant to ¶ 1340 of the National Flood Insurance Act of 1968 (Pub. L. 90–448; 42 U.S.C. ¶ 4071), which requires the Secretary, after consultation with representatives of the insurance industry, and after making a determination that the operation of the flood insurance program under a Part A framework "cannot be carried out, or that such operation, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance * * *", to submit to Congress a report which "shall—

(1) State the reasons for such determination,

(2) Be supported by pertinent findings,

(3) Indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

(4) Contain such recommendations as the Secretary deemed advisable."

PROGRAM SUMMARY AND BACKGROUND

The flood insurance program, established by Congress in the National Flood Insurance Act of 1968 (the "Act"), is based on a dual principle—to make flood insurance available to homeowners and businessmen and to require that new construction in flood-prone areas be located and built so as to reduce the flood hazard and loss of life and property. In its implementation, the program represents a combined effort on the part of the Federal, State and local governments.

The Department of Housing and Urban Development (HUD), working closely with local governments, directs the development of the program which, in addition to providing insurance premium subsidies to substantially offset losses on properties in high risk areas and providing excess reinsurance to participating insurers, requires that local governments adopt and enforce flood plain management measures in order to avoid or reduce future flood damage to property and loss of lives in catastrophic floods.

The private insurance industry, represented by the National Flood Insurers Association (NFIA), a statutory pool of insurers with whom the Department has entered into a contract pursuant to Section 1332 of the Act (42 U.S.C. ¶ 4052), provides a pledge of risk capital and through property agents and brokers sells and services the flood insurance policies. The NFIA also utilizes servicing companies, normally on a statewide basis, to disseminate information both to the public and to insurance agents, to process all insurance policies, and to handle the payment of flood losses in essentially the same manner as other types of insured property losses are adjusted.

Congress has entrusted the Secretary of the Department of Housing and Urban Development with very broad power and responsibility "to establish and carry out a national flood insurance program." (Section 1304(a) of the Act; 42 U.S.C. 4011(a)). The Secretary is specifically authorized to provide "for the general terms and conditions of insurability" and "the nature and limits of loss or damage * * * which may be covered by such insurance." (Section 1306(a) of the Act; 42 U.S.C. 4013). It is the Secretary who establishes premium rates for such insurance. (Sections 1307 and 1308 of the Act; 42 U.S.C. 4014 and 4015).

The Secretary has broad authority to arrange for the financing and administration of the flood insurance program and the method or methods by which claims for losses may be adjusted and paid. (Sections 1309–1312 of the Act; 42 U.S.C. 4016–4019). The Secretary is authorized to prescribe "appropriate requirements for insurnce companies and other insurers" when they are permitted to participate in a pool to provide flood insurance coverage. (Section 1331 of the Act; 42 U.S.C. 4054). The Secretary is authorized to enter into such agreements with the pool as she deems necessary to carry out the purposes of the program. (Section 1332(a) of the Act; 42 U.S.C. 4052(a)).

The Secretary is authorized to utilize the facilities and services of insurance companies and other insurers, insurance agents, brokers or insurance adjustment organizations and other organizations "on such terms and conditions as may be agreed upon." (Section 1345 of the Act; 42 U.S.C. 4081).

The economic justification for the program (which requires extensive public subsidies to reduce premiums to the less than actuarially sound level acquired to permit general participation by those who are on the flood plain) is the reduction in the need for flood disaster relief appropriations through the reduction in loss which will result from prudent flood plain management and construction, and by the purchase of flood insurance by those in high hazard areas.

DEVELOPMENT OF THE ACT

In 1965, after several devastating hurricanes and after the National Association of Insurance Commissioners had failed to induce the insurance industry to adopt a voluntary State program of flood insurance, Congress directed the Department of Housing and Urban Development to undertake a study of various programs, including insurance programs, which might be established to help provide financial assistance to those suffering property losses in floods and other natural disasters. The Department's comprehensive study included a careful review of the flawed, and never implemented, Federal Flood Insurance Act of 1956 as well as an intensive examination of the most promising alternatives for providing assistance to flood victims.

On August 8, 1966, then Secretary of Housing and Urban Development, Robert C. Weaver forwarded to the President the Department's report on the study and its conclusions. The Secretary's transmittal letter stated: "the study concludes that flood insurance is both feasible and can promote the public interest." On August 12, 1966, President Johnson formally transmitted the Department's report to the Congress.

The report outlined four alternative methods of carrying out a national flood insurance program:

(1) A fully private and fully self-supporting flood insurance program, operated and managed wholly by private insurance companies.

(2) A program of flood insurance operated by the private insurance industry, with major help by the Federal government.

(3) A Federal flood insurance program operated by the private insurance industry as fiscal agents for the Federal government.

(4) An all-Federal program of flood insurance.

After reviewing all four alternatives, the report recommended the second alternative noting that: "A flood insurance program operated by the private insurance industry with extensive Federal help, seems both desirable and feasible; it would require each party to assume major responsibility."

In 1967, Congress considered a number of proposals for a flood insurance program and in 1968, it enacted a comprehensive blueprint for the establishment of such a program. The National Flood Insurance Act of 1968 contains detailed specifications for, among other things, the scope and priorities of the program, the nature and extent of insurance coverage to be made available, community flood plain management requirements to be met as a condition to community participation and insurance availability, program financing, and importantly, the organiation and administration of the program.

As to the organization and administration of the program, the Act establishes the framework for the cooperative industry-government arrangement recommended in the 1966 report and authorizes the Secretary to implement the program in acocrdance with the framework which is designated in the statute as "Part A."

The Act also establishes a "Part B" framework which authorizes a Federally operated program which could be administered either with the assistance and services of private insurers or entirely by Federal employees. The Act authorizes the Secretary to shift from "Part A" to "Part B" after consultation with respresentatives of the insurance industry and notification to the Congress, once the Secretary has determined that "operation of the flood insurance program as provided under Part A cannot be carried out, or that such operation, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance * * *."

FOUNDING THE NATIONAL FLOOD INSURERS ASSOCIATION

The Act authorized the Secretary to encourage and to assist insurance companies to join together in a pool (1) to provide flood insurance coverage, (2) to participate financially in underwriting risks assumed based upon Secretary prescribed minimum requirements for capital or surplus or assets and (3) to adjust and pay claims for flood losses.

On June 6, 1969, the Department and the insurance industry, acting through the newly formed National Flood Insurers Association (NFIA), signed an agreement which established the relationship between the industry and the government and enabled the flood insurance program to be implemented under "Part A."

NFIA, which now consists of more than 130 private insurance companies representing a

broad segment of the property and casualty insurance industry, including the nation's ten largest, was formed for the sole purpose of carrying out the National Flood Insurance Program. The Association is a voluntary nonprofit unincorporated association of insurers. Eligibility for participation requires $1,000,000 in assets, the assumption of at least $25,000 worth of underwriting loss to be incurred under all contracts of direct insurance or reinsurance arranged in the name of the Association in any one year, and the payment of $50 for each $25,000 pledged participation. In all matters, members are entitled to one vote for each $25,000 of pledged participation and as a result the ten largest private property and casualty insurers in the United States have effective control of the Executive Committee of the NFIA. It is significant, however, that despite the pledging of numerous units of $25,000 of risk these major companies are basically not at risk. The cost of any expense and flood insurance coverage is borne primarily by the insured property owners and the government. In fact, the "promised risk capital," is not paid in by the member insurers, and since 1969, when the program began, no participating insurer has expended any of its promised risk capital.

THE INITIAL PROGRAM

Despite the successful negotiation of the government-industry partnership in 1969, the new program foundered when it became apparent that the capacity to complete the basic flood hazard evaluations and rate studies necessary to qualify participating communities under the Act did not exist. In quick response to the problem, Congress, as part of the Housing and Urban Development Act of 1969 (P.L. 91–152; 42 U.S.C. 4056), amended the statute to authorize emergency implementation of the program for existing construction in communities where required studies were not yet completed.

Despite rapid implementation of the emergency program, however, community participation in, and coverage of flood-prone property under the program was disappointing. The program was voluntary and many communities did not join. Some communities chose to stay out rather than adopt required minimal flood plain management measures for identified special flood hazard areas within their jurisdictions; others did not join because of a lack of interest.

THE 1973 AMENDMENTS

In 1973, after another series of disastrous floods, notably those resulting from Hurricane Agnes, Congress passed the Flood Disaster Protection Act of 1973 (P.L. 93–234; 42 U.S.C. 4001 et seq.). That Act changed the basic nature of the program. It precluded direct Federal assistance for construction or acquisition purposes in identified special flood hazard areas of communities which were not participating in the program by the statutory deadline date, and required denial of any mortgage loan assistance from Federally supervised, approved, regulated, or insured lenders in those areas. In addition, it required the purchase of flood insurance as a condition to any Federally related mortgage loan in participating communities.

After enactment of the 1973 amendments, the program grew dramatically. As of January, 1973, more than four years after the program's inception, only 2,000 communities were participating in the program and only 200,000 property owners were insured. However, by October, 1977, the program had 16,000 participating communities, with over 1,400,000 policies outstanding.

The change from a voluntary to a mandatory program had an immediate and dramatic effect on the operations and workload of the NFIA. At the outset of the program and for a period of four years after its formation, the NFIA was a small organization without any significant professional staff. It relied on informal arrangements with the private insurance industry to obtain the services it required. As late as 1974, NFIA still relied almost exclusively on manual processing performed by various servicing entities.

INCREASED TENSION BETWEEN HUD AND NFIA

By March of 1974, the Department had become concerned with NFIA's management performance, the capacity of NFIA to handle the great workload demands generated by the changes in the flood insurance legislation and the willingness and ability of NFIA to provide certainty and uniformity in the treatment of policyholders. The Department, therefore, requested NFIA to develop a professional staff and to obtain data processing services essential to the efficient operation of the expanded program. In addition, since the agreement by the Government and NFIA could be terminated by NFIA at any time, the Department requested that such data processing services be performed by an independent company whose services the Department could acquire directly in the event of such a termination by NFIA.

Although change in the structure of NFIA came primarily in response to prodding by the Department, with the growth of a bureaucracy, the NFIA developed the capacity to identify and define substantial differences between it and the Department and to articulate an institutional position on significant policy issues.

For example, the Department, from the beginning of its relationship with NFIA, asserted the Secretary's authority to interpret the scope of coverage of the Standard Flood Insurance Policy. In the early years NFIA followed HUD interpretations in such matters as erosion and mudslide claims when disputes arose between insurers and policyholders. After 1974, however, NFIA asserted that it was not subject to HUD interpretations of flood insurance policy coverage.

For a period of time NFIA refused to comply with an interpretation that HUD issued in connection with NFIA's disclaimer of coverage for a policyholder's expense in removing insured personal property from insured premises in imminent danger from flood. HUD's interpretation was premised basically on the policy language which required the insured to "use every reasonable means to save and preserve the property at the time of and after an occurrence of * * * [flood]." NFIA refused to comply with the HUD interpretation and at the time of the flooding in Minot, N. Dak., announced throughout the affected area that removal costs would not be compensated under flood insurance policies.

NFIA also refused to competitively bid its servicer contracts. Rather, thirteen of the fifteen member companies which comprise the NFIA Executive Committee perform such servicing on a sole source basis receiving 81.1 percent of the program servicing fees. These fees amounted to a total of $16,056,418 in the period covering 1970–1975 for the thirteen largest participating insurers.

In addition, NFIA refused to accede to prior HUD approval of its overhead operating costs which increased dramatically after the 1973 Amendments. The total HUD payment to NFIA in 1970 was only $51,945. By 1975 that annual HUD payment had risen to $20,629,589. The tremendous growth in the amount of the total payment made it essential for HUD to assert an effective method for prior review and approval of NFIA's planned expenditures.

DEPARTMENTAL RESPONSE

In summary, between 1974 and early 1976 major areas of disagreement between HUD and NFIA became apparent with respect to the authority of the Department to construe the terms of the Standard Flood Insurance Policy, issue interpretations of the policy, and require contracts let by NFIA to be subject to competitive bidding. As a result, on August 30, 1976, the Department asserted its rights under the statute and the June 6, 1969, agreement between it and the NFIA, and promulgated proposed regulations addressing these major areas of disagreement. After the period of public comment closed, the Department decided that resolution of the outstanding issues between HUD and the NFIA could best be achieved by negotiations with the NFIA.

These negotiations began in early September, 1976. The outstanding issues between the parties were identified and refined with a view to entering into a new Part A Agreement. The negotiations, which proceeded through the end of the year and up to a few minutes before midnight on the night of January 19, 1977, resulted in a tentative draft agreement which was published in the Federal Register on January 28, 1977. The "tentative" agreement did not resolve the disputes between the parties. The preamble to the January 28, 1977, publication in the Federal Register clearly sets forth the major item of difference between the parties that had not been resolved by the negotiators.

"A major outstanding issue as to which the Department and NFIA did not reach tentative agreement concerns the effect of regulations and other directives issued by the Administrator on the obligations undertaken by NFIA under the Agreement.

HUD's position throughout the course of these negotiations has been that the Secretary has such regulatory authority over the insurance component of the program and NFIA as is necessary to provide continuing involvement in and supervision of NFIA. HUD maintains that, when agreement on an issue cannot be reached through consultation between the parties, final resolution rests with the Secretary, and the Secretary cannot enter into a contract under which the Secretary would voluntarily agree to contract away the powers of Government.

On the other hand, NFIA's position in the negotiations has been that, while it recognizes that the Secretary has oversight resonsibilities under the Act, the relationship between NFIA and the Secretary is contractual in nature and the Secretary may not issue regulations or directives which unilaterally amend that contractual relationship or impose extrancontractual obligations on NFIA."

There were, on January 28, 1977, other significant issues still unresolved. Provisions regarding contracting requirements applicable to NFIA with respect to operation of the Computer System remained unresolved. Whether the operation of the Computer System would be contracted out, and if so, what method of contracting would be used, were matters as to which the parties continued to disagree. The Department's position was that the Computer System should be operated by an independent firm rather than by NFIA to assure transferability of the Computer System to HUD or HUD's designee at all times. NFIA was of the view that the agreement between the Department and NFIA should not require NFIA to enter into such a contract, but should leave such determination to NFIA as a matter of business judgment, and that transferability of the Computer System could be assured without contracting the system out to a third party.

NEGOTIATIONS AFTER JANUARY 20, 1977

After this Administration took office, further negotiations were undertaken by HUD and NFIA in March, 1977, in an attempt to resolve the disputed issues and develop a new Part A Agreement. While these negotiations were in progress, the General Accounting Office, on March 21, 1977, issued a report on the NFIA's financial controls over its operations relating to the flood insurance program. That report found numerous weaknesses in NFIA's ability to generate accurate financial data. The report stated:

"Our review of the financial controls of the National Flood Insurance Program showed that NFIA has been unable to generate accurate financial and statistical data. As a result, it can neither produce its own financial statements nor supply FIA with the kind of data it needs to make program decisions, determine subsidy amounts and premium rates, or produce the financial statements for the program."

The findings in the GAO report made urgent successful resolution of the Department's assertion of its regulatory authority over the flood insurance program and emphasized the need for close scrutiny of HUD's financial controls over NFIA operations. However, even after that report was issued, NFIA was unwilling to accept HUD regulation of the insurance and budget aspects of the program. Therefore, in June, 1977, the Department published proposed regulations asserting its supervisory authority over the program.

In a response dated July 5, 1977, NFIA notified HUD of its intent not to renew the 1969 agreement and as a result, the 1969 agreement between HUD and the NFIA will end on December 31, 1977. The NFIA's letter of July 5, 1977, did, however, indicate a willingness to continue to negotiate and attempt to reach a new agreement. In response to that offer the Department once again renewed negotiations with the NFIA in late July.

However, on July 21, 1977, the Department issued a request for proposals (RFP) to operate the flood insurance program. Issuance of the RFP was essential to assure a continued capability to operate the program after December 31, 1977, if a new agreement with the NFIA could not be reached.

The RFP issued on July 21, 1977, included a statement of the work to be performed, the terms of the proposed contract covering that work, the cost plus fixed fee compensation arrangement contemplated, and the factors by which proposals would be judged. Interested offerors were required to submit their proposals by 5:00 p.m. September 23, in order to afford adequate time for evaluation, negotiations and selection. Offerors were free to submit proposals to operate under Part A or Part B of the Act. Selection factors did not weight the RFP towards any particular type of offeror. All offerors who could demonstrate their ability to carry out the work program stood on an equal footing. While the RFP solicitation process was open and competitive, the post-proposal submission and pre-selection procedures left room for negotiation and for fine tuning of proposals and requirements in order to assure a viable and effective contract arrangement and contractor selection.

The renewed negotiations undertaken by HUD and NFIA in late July, 1977, were held to a strict timetable because of the need to determine quickly whether NFIA or a contractor selected pursuant to the July 21, 1977, request for proposals would be utilized by HUD in administering the flood insurance program after December 31, 1977. While substantial progress was made in these negotiations, they were ended on August 16, 1977, because of the inability of HUD and the NFIA to reach agreement on the issue of the Department's right to prior review and approval of NFIA's budget for operating expenses.

The Subcommittee on Housing and Community Development of the House Committee on Banking, Finance and Urban Affairs, concerned with the inability of HUD and NFIA to reach agreement for a contract to operate the flood insurance program under a Part A framework, held hearings on the matter on September 7 and 8, 1977. Witnesses representing HUD and NFIA testified and were closely questioned by members of the Committee as to the reasons for the parties' inability to agree. The members of the Committee at the Hearings made clear their preference for operating the flood insurance program under a Part A framework.

With the benefit of recommendations from interested members of the Committee, negotiations were renewed between HUD and NFIA. In these negotiations NFIA agreed to prior HUD review and approval of each line item, and of the total amount, of its annual operating expenses.

EFFECT OF THE REQUEST FOR PROPOSALS

When NFIA notified HUD, on July 5, 1977, of its intent to terminate its contract relationship with HUD, effective December 31, 1977, HUD issued a request for proposals (RFP) seeking to identify entities interested in replacing NFIA as the entity utilized by HUD in administering the flood insurance program. The RFP was modified a number of times during August and September, 1977. Finally, on September 23, 1977, the RFP produced two proposals from entities interested in replacing NFIA under a Part B arrangement. The interested proposers were Bradford National Corporation (Bradford) and EDS Federal Corporation (EDS).

In accordance with standard procurement practice, the Bradford and EDS proposals were then reviewed by a Source Evaluation Board consisting of HUD officials. On September 30, 1977, the Source Evaluation Board undertook oral discussions of the proposals with EDS and Bradford. The proposers' best and final offers were submitted on October 11, 1977, and considered by the Board on October 12, 1977. Thereafter, the Board recommended to the Source Selection Official (the HUD Under Secretary) that HUD enter into further negotiations with EDS only.

As a consequence of the RFP process and of the proposals submitted, we find that the cost to HUD of using NFIA under Part A of the Act during 1978 will be just under $26 million while the cost to HUD of contracting with EDS to provide the same services will be just under $11 million. Thus, a contract with NFIA for 1978 will be approximately 2½ times more costly to the government than a contract with EDS.

At the time of HUD's testimony before the Subcommittee on Housing and Community Development of the House Committee on Banking, Finance and Urban Affairs on September 8, 1977, we were unaware of a cost divergence of such magnitude. EDS' original offer was submitted September 23, 1977, and its best and final offer was submitted October 11, 1977.

The attached Exhibit 1 compares the costs of doing business with NFIA during 1978 as against the costs of doing business with EDS for that same year. Please note the following points with respect to the data set forth in Exhibit 1.

(1) All figures shown in the EDS column were provided by EDS in its "best and final" offer submission.

(2) All figures shown in the NFIA column constituting its "Total General Expense" were provided to HUD by NFIA.

(3) The figures shown in the NFIA column for "Servicing Carriers," "Claims Adjusting" and "Total Other Federal Costs" are HUD estimates which were essentially confirmed by NFIA in an exchange of letters between HUD and NFIA dated October 19, 1977, and October 21, 1977, attached as Exhibit 2.

(4) The major differences in cost between the EDS and NFIA submissions fall into three major categories: decentralized policy and claims review—approximately $8.3 million; NFIA allowance—approximately $5.4 million; and State Premium Taxes—approximately $3.5 million.

(a) *Decentralized Policy and Claims Review—$8.3 Million.* The immediate operating expenses of EDS and NFIA (direct costs and overhead) are substantially equal. (See comparative figures next to the "Total General Expense" item.) However, note the marked difference in the item captioned "Total Operating Expense"—the amount for NFIA is almost twice the amount for EDS. This discrepancy results primarily from NFIA's decentralized method of performing policy and claims review functions under fee arrangements with Servicing Carriers which are, with few exceptions, members of NFIA. Indeed, the 15-member Executive Committee of NFIA, whose combined voting strength controls the 132-member NFIA, has been getting about three-fourths of the fees paid under these fee arrangements.

EDS proposes to carry out a centralized program of policy servicing and claims review which will not involve the payment of similar fees. The centralized method of performing policy and claims review functions will not affect the use of independent agents and claims adjusters who now provide services in the nearly 16,000 communities participating in the flood insurance program. It will, however, dispense with the 46 servicing locations NFIA now utilizes to perform policy and claims review.

(b) *NFIA Allowance—$5.4 Million.* Under the terms of the existing contract with HUD and under the terms of the proposed contract which we have negotiated for 1978, NFIA receives an annual "operating allowance" equal to 5 percent of policyholder premiums. NFIA characterizes the operating allowance as a quid pro quo for an annual pledge by NFIA member companies of risk capital (approximately $48 million) for the payment of extraordinary losses under the Flood Insurance Program. The operating allowance can be regarded as an annual premium paid by HUD to the insurance carriers participating in the Flood Insurance Program for extraordinary loss insurance coverage. The HUD annual premium rate is over 10 percent of the face amount of the NFIA members pledged risk capital. Moreover, when all the financial provisions of the draft contract which determine the extent of NFIA's liability in the event of catastrophic losses are taken into account, HUD's annual premium rate for that coverage climbs to 50 percent of NFIA's actual risk.[1] Since the inception of the Flood Insurance Program, participating insurance carriers have not had to actually "pay out" on their pledge of risk capital despite the occurrence of a number of significant flood disasters during that time period. Furthermore, during 1978, we would have to experience a flood disaster far exceeding anything which has occurred during the life of the Flood Insurance Program, in order for the participating insurance carriers to actually pay out anything in return for HUD's annual premium of $5.4 million.

[1] If in 1978 a tidal wave swept from coast to coast, destroying every structure in the country, the NFIA maximum loss would be $10,469,000. The NFIA charge to HUD for assuming this risk for 1978 is $5,366,000, or 51 percent of their maximum loss exposure.

It is almost impossible to objectively assert the value to the Government of the "risk sharing" provided by the NFIA annual operating allowance. However, on the basis of the loss experience to date, the conclusion that the amount of the allowance is excessive, seems inescapable. By comparison to the 51 percent per annum "premium" implicit in the "operating allowance" required for a maximum risk exposure in 1978 of $10.5 million, automobile liability insurance premiums run around one percent per year of the limit of liability of those policies. Premiums for true low exposure insurance, such as accidental death and disability coverage, are considerably less than premiums for automobile liability coverage. It is not unreasonable to assert that the premium rate for the extraordinary Flood Insurance Program risk coverage purchased by HUD through the NFIA allowance is more a function of lack of competition for this insurance business than of actual risk.

(c) *State Premium Taxes—$3.5 Million.* The column for NFIA shows a cost in excess of $3.5 million for the payment of State premium taxes. There is no counterpart cost figure in the EDS column. NFIA points out that like any other insurance company, it pays these taxes on flood insurance policies sold in accordance with requirements of State law and that this cost item "bears no relation to the efficiency of the contractor." For purposes of this report, this point can be admitted although we are not convinced that NFIA has achieved maximum efficiency in its State premium tax payments. We are absolutely certain, however, that payment of State premium taxes would not be required in connection with a Part B Government Program with industry assistance.

In summary, as a result of the RFP we have learned that the cost to HUD of doing business with NFIA during 1978 would exceed by approximately $15 million the cost to HUD of doing business with EDS during that same year. The form of the services provided by NFIA and EDS is not identical (i.e., EDS will have a centralized operation, NFIA will have a somewhat more, but not fully, decentralized operation). The difference (if any) between providing services on a more decentralized basis plus the element of risk (if any) borne by NFIA constitutes the sum of the services provided by NFIA and not by EDS. It is very hard to ascribe any dollar value, either to the consumer who participates in the National Flood Insurance Program or the Government, of NFIA's decentralized operation plus its risk sharing. It is impossible for a reasonable person to conclude these two items are worth approximately $15 million.

HUD's analysis of the EDS proposal for a centralized operation indicates that it offers great opportunity for more efficient service as well as cost savings. We would also emphasize here that such a centralized operation will not affect the use of independent agent and claims adjuster units as the fully decentralized link with the consumer. In fact, we believe those independent agent and claims adjusters' units will be able to provide better consumer service when they are backed by the more efficient paper handling mechanism proposed by EDS.

The use of EDS will not increase the size of HUD staff.

PERTINENT FINDINGS

(1) A March 21, 1977, report by the General Accounting Office found numerous weaknesses in the ability of the Pool to generate accurate financial and statistical data. The Pool has not since the date of that report satisfactorily responded to the Department's requests that it submit evidence that it has improved its operations to eliminate or significantly ameliorate the problems identified by the Comptroller General.

(2) The Pool has, during its tenure under the agreement which established the relationship between it and the Government and enabled the flood insurance program to be implemented under Part A, refused to comply with the Secretary's interpretations of the scope of coverage of the Standard Flood Insurance Policy, basing its refusal upon the conflicting private sector interests of its members, and refused to competitively bid its service contracts.

(3) At the present time a contract to administer the National Flood Insurance Program under a Part A framework would be $15 million higher for 1978 than a contract to administer the Program under a Part B framework. The amount by which the cost under a Part A framework will exceed the cost under a Part B framework will grow larger in succeeding years.

(4) Our analysis of the offers to participate under Part A and Part B frameworks reveals no advantages to the Government or to consumers who participate in the National Flood Insurance Program that would result from a decision to ignore the higher cost of a Part A framework.

EXTENT OF UTILIZATION OF INSURANCE INDUSTRY UNDER PART B

Our intention, in implementing a continuing program of national flood insurance under Part B of the Act, is to utilize private sector insurers, insurance agents and brokers, and insurance adjustment organizations to the maximum extent practicable in providing flood insurance coverage and adjusting claims under the program. Although a private sector fiscal agent-contractor will be utilized in place of a pooling arrangement, there will be no diminution in the use of insurance agents and brokers and insurance adjustment organizations whose relationships with the National Flood Insurance Program will not be affected in any material way by virtue of the transition from a pooling arrangement to a fiscal agent. All insurance agents and procedures manuals and forms presently utilized in the program, including the Standard Flood Insurance Policy, will continue to be utilized in much the same manner as these instruments are in use today to avoid any disruption in services being rendered by insurance organizations presently serving the program. There will be no change or even interruption in services provided to the program's policyholders. The consumer will not be adversely affected by the change to a Part B program.

RECOMMENDATIONS

(1) As presently written, the National Flood Insurance Act provides no guidance as to an appropriate rate of return on risk capital pledged by a Pool of insurers under a Part A framework. It is not feasible to develop competitive Pools of insurers willing to participate in the flood insurance program under a Part A framework. Absent the market constraints that would be imposed by a competitive situation, it is extremely difficult, solely through negotiation, to reach agreement on a reasonable rate of return on pledged risk capital without some legislative assertion of acceptable parameters. Experience gained from working under a Part A framework leads us to recommend that Congress consider establishing legislative guidelines for the return on pledged capital that insurers participating under a Part A framework should receive.

(2) Our experience working under a Part A framework leads us to recommend that Congress make explicit that the Federal Agency administering the flood insurance

program under a Part A framework may, by the proper exercise of regulatory authority, amend the provision of any contract with a Pool of insurers participating in the flood insurance program so long as the increased costs caused by the proper exercise of regulatory authority is borne by the Government.

(3) Our experience working under a Part A framework leads us to recommend that Congress consider requiring that sub-contracts of the Pool of insurers participating in the flood insurance program under a Part A framework be subject to Federal audit and competitive bid requirements.

	NFIA (1978)	EDS (centralized) Year 1	EDS (centralized) Year 2
Salaries [1]	$2,652,000	$4,112,961	$4,230,027
Data processing [2] (development and operations)	2,117,000	508,268	513,989
Legal, audit, and consulting [3]	184,000	54,500	56,000
Travel [4]	159,000	370,520	208,882
Printing [5]	750,000	517,816	435,867
Map distribution [6]	1,000,000	448,720	538,464
Telephone [7]	200,000	129,100	142,440
Postage [8]	819,000	1,118,000	1,375,200
Rent (space) [9]	183,000	427,245	427,245
Advertising/public relations [10]	159,000	20,000	20,000
Furniture and equipment [11]	204,000	131,833	99,277
Other [12]	112,000	191,499	102,809
Corporate allocation and G&A		721,209	729,403
Taxes		199,644	179,836
Total general expense	8,539,000	8,951,315	9,059,439
Servicing carriers [13]	6,931,000		
Claims adjusting [14]	1,352,000		
Total operating expense	16,822,000	8,951,315	9,059,439
NFIA allowance [15]	5,366,000		
State premium taxes [16]	3,541,000		
Printing and marketing [17]		453,000	453,000
Transition [18]		660,000	
Fee [19]		895,132	905,944
Total other Federal costs	8,907,000	2,008,132	1,358,944
Total program costs	25,729,000	10,959,447	10,418,383

[1] NFIA salaries based on 170 staff-years. EDS salaries based on about 257 staff-years each year. EDS staffing reflects centralization of functions.
[2] NFIA budget includes $867,000 for operations as compared to $510,000 porposed by EDS. Difference is result of NFIA buying computer time in the commercial market while EDS is charging their internal rate. NFIA budget includes $1,250,000 for systems development by outside consultants (Arthur Andersen). Effort will be performed by EDS with inhouse staff.
[3] NFIA is more dependent on purchasing services rather than using inhouse staff. NFIA figure includes audit costs, EDS figure does not, although it is included elsewhere.
[4] EDS operation has increased travel requirements as a result of centralization of operations and the need for contact with agents and the public in the field—$178,000 of employee relocation costs included in EDS's first year.
[5] FIA will be providing some forms to EDS which have been provided by NFIA. Increase in cost to FIA is included at footnote 17.
[6] EDS included map postage expense of $84,000 under postage. NFIA's total figure is based on historical experience plus an increase reflecting certain recent changes in map distribution re uirements.
[7] NFIA budget includes wats lines installed at 18 servicing carrier locations.
[8] EDS proposal included map distribution postage and "information" mailing to agents, policyholders, etc.
[9] NFIA presently leasing 20,400 ft [2] at about $7.60/ft [2]. EDS proposing 39,000 square feet at $10.50 per square foot.
[10] NFIA currently provides workshops and other marketing functions. EDS proposal provides staffing for these functions, but costs were excluded pending receipt of specific directions from FIA. The cost of the marketing functions is included at footnote 17.
[11] NFIA budget includes $50,000 for office supplies. Some of the costs included elsewhere in EDS proposal.
[12] $111,000 of onetime, startup recruiting expenses included in EDS's first year.
[13] Projection based on $8.75 per new policy and $4 per renewal policy, with larger percentage of renewals as opposed to new policies.
[14] Projected based on $45 per claim.
[15] Projected based on 5 pct of premiums for present HUD/NFIA agreement.
[16] Projected based on historical average of 3.3 pct of premiums.
[17] See footnotes 5 and 10 above.
[18] Includes onetime startup costs.
[19] Fixed fee based on 10 pct of EDA's costs.

BOB G. ODLE, ESQ.,
Hogan & Hartson,
815 Connecticut Avenue, N.W.,
Washington, D.C. 20006.

OCTOBER 19, 1977.

DEAR BOB: As you know, the Department intends to seek Congressional views of the form in which the flood insurance program is to be continued. The material which we received from Frank Nutter on those items which are not included in your proposed Exhibit A to the draft contract but are part of the overall cost to the Government of a Part A arrangement with NFIA, was helpful. However, the submission did not contain any dollar amounts or other breakdown for those items Our estimates of those costs, based on our assumptions of policy volume and your organizational structure, are attached. Given the extremely tight time frame in which the Department is operating, we request that you confirm or correct our estimates by noon Friday, October 21.

In informing the relevant committees of Congress of the status of the flood insurance program, we intend to state that NFIA has accommodated HUD's concern that HUD did not have appropriate prior control of expenses, as that issue was defined before the House Subcommittee at the September hearings.

Sincerely,

EDWARD W. NORTON,
Deputy General Counsel.

Attachments.

NFIA BUDGET FOR FISCAL YEAR 1978

Salaries	$ 2,652,000
Data processing (development and operations)	2,117,000
Legal, audit and consulting	184,000
Travel	159,000
Printing	750,000
Map distribution	1,000,000
Telephone	200,000
Postage	819,000

NFIA BUDGET FOR FISCAL YEAR 1978—Continued

Rent (space)	$183,000
Advertising/P.R.	159,000
Furniture and equipment	252,000
Other	64,000
Total general expense	[1] 8,539,000
Servicing carriers	[2] 6,931,000
Claims adjusting	[3] 1,352,000
Total operating expense	16,822,000
NFIA allowance	[4] 5,366,000
State premium taxes	[5] 3,500,000
Total other part A costs	8,866,000
Total program costs	25,688,000

[1] Based on the NFIA Budget.
[2] Projected based on $8.75 per new policy and $4.00 per renewal policy.
[3] Projected based on $45.00 per claim.
[4] Projected based on 5 percent of premiums per present HUD/NFIA agreement.
[5] NFIA estimate per letter dated Oct. 17, 1977.

OCTOBER 21, 1977.

By Messenger
Edward W. Norton, Esq.,
Deputy General Counsel, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C. 20410

DEAR ED: This is in response to your letter of October 19, 1977. We are gratified that our negotiations are successfully concluded and that HUD finds acceptable the contract which was negotiated. We look forward to an early signing date.

As requested, NFIA has reviewed the budget and cost estimates appended to your letter. NFIA's comments thereon are enclosed. We trust you will include our explanatory notations in any Part A vs. Part B submission you make to the Secretary and to Congress.

We have also enclosed the form of servicing company contract which was agreed upon by use and Bill Cumming of your staff on August 6, 1977. This is the document referred to as Exhibit C in the new NFIA/HUD agreement.

Sincerely,

BOB GLEN ODLE.

Enclosures.

NATIONAL FLOOD INSURERS ASSOCIATION

NFIA COMMENTS ON BUGET AND COST ESTIMATES APPENDED TO OCTOBER 19, 1977 HUD LETTER TO HOGAN & HARTSON

OCTOBER 21, 1977.

1. *HUD's Note A.* The figure listed as "Total General Expense" is identical to operating cost figures previously submitted by NFIA. A copy of NFIA's Operating Budget for FY 1978 is attached.

2. *HUD's Notes B and C.* These items represent the payment of fees for policy processing and claims supervision in a fully decentralized, nationwide network of insurance companies. On the basis of assumptions apparently made by HUD, HUD's figures of $6,931,000 for "servicing carriers" and $1,352,000 for "claims adjusting" appear reasonable, with two caveats. First, because these fees are directly related to sales and claim activity, a significant upward or downward shift in sales volume or claims activity would materially affect the estimates. Second, under the terms of the new contract between NFIA and HUD, NFIA will be reviewing the structure of the current servicing network and, during fiscal year 1978, begin to competitively relet all servicing company con-

tracts. NFIA is unable to predict what the competitive selection process will produce.

3. *HUD's Note D.* The term "NFIA Allowance" for this item is a misnomer. HUD's figure of $5,366,000 actually represents HUD's estimate of the maximum possible return to NFIA members for their capital commitment to the flood insurance loss exposure of the program based upon an assumed $107 million in written premiums. Such an item should not be considered as a cost to the program. It is, in fact, a return on risk capital which may well be significantly below HUD's estimate. Program statistics demonstrate that member companies could possibly receive no return on pledged capital for 1978, but instead may be called upon to pay flood losses from their pledged capital. For this item to be appropriately considered as a cost to the program, it should be calculated over an extended number of years. Because of the nature of the risk capital, it is inappropriate to attempt to measure the amount of the item, if any, for any given year. The inclusion of such a figure in any estimate of total program costs may misrepresent the true costs of a Part A program, and fails to assess the potential for capital contribution.

4. *HUD's Note E.* The government does not share in the payment of state premium taxes. Although the payment of these taxes is a cost of doing business, they bear no relationship to the operating efficiency of NFIA's performance.

National Flood Insurers Association budget operating costs—fiscal year September 30, 1978

[In thousands]

Salaries:		
Wages	$2,210	
Benefits	442	$2,652
Marketing, communications, media relations, research, and advertising		159
Telephone		200
Rent		183
Postage and express		819
Printing		750
Travel		159
CLS subscription		24
Temporary agency hires		40
Office supplies:		
Supplies	50	
Reproduction	36	
Microfilming	68	
Equipment and furniture	50	
Other	48	252
Legal		24
Audit		80
Consulting		80
Data processing:		
Operations	867	
Development	1,250	2,117
Map distribution		1,000
Total		8,539

[FR Doc.77-32584 Filed 11-9-77;8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

[F14954-A]

Alaska Native Claims Selection

On November 15, 1973, Olgoonik Corp., for the Native village of Wainwright, filed selection application F-14954-A under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)) for the surface estate of certain lands in the Wainwright area.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 4,984 acres, is considered proper for acquisition by Olgoonik Corp. and is hereby approved for conveyance pursuant to section 14 (a) of the Alaska Native Claims Settlement Act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 16 N., R. 30 W.,
Sec. 8, all.

Containing approximately 640 acres.

T. 15 N., R. 31 W.,
Sec. 17, excluding PLO 1851;
Sec. 18 (fractional), excluding PLO 1851 and Tract B of U.S. Survey 4418;
Secs. 20 and 21, excluding PLO 1851;
Secs. 28 and 29 (fractional), excluding PLO 1851;
Sec. 33 (fractional), excluding PLO 1851.

Containing approximately 3,398 acres.

T. 15 N., R. 32 W.,
Sec. 13 (fractional), excluding PLO 1851.

Containing approximately 36 acres.

T. 14 N., R. 33 W. (fractional),
All.

Containing approximately 910 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 705; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement map in case file F-14954-EE, are reserved to the United States and are subject to further regulation thereby:

a. (EIN 1 C5, E) An easement for the existing trail along the Chukchi seacoasts, twenty-five (25) feet in width, through the selected lands and village lands to public lands to the north and south. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 2 C5, E) An easement one hundred (100) feet in width for a proposed road located along the alignment proposed by the Alaska Department of Highways from Wainwright easterly towards Barrow, through the selected lands and village lands to public lands to the north and east. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 4 D1, C4) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

d. (EIN 6 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

e. (EIN 7 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

f. The agreement of May 14, 1974, between the United States Department of the Navy, the Arctic Slope Regional Corp., Olgoonik Corp., and three other Arctic Slope village corporations reserves those easements necessary to implement said agreement. A copy of the agreement is loacted in Bureau of Land Management file F-14954-EE.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to

the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated August 6, 1976, between the Secretary of the Interior, Arctic Slope Regional Corp., Olgoonik Corp., and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Olgoonik Corp., serialized F-14954-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Olgoonik Corp. will be made at a later date. It should be noted that no conveyance will be issued to Arctic Slope Regional Corp. for the subsurface estate of these lands, since the lands involved are located within the National Petroleum Reserve in Alaska (formerly Naval Petroleum Reserve Numbered 4). Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that when a village corporation selects the surface estate to lands within National Petroleum Reserve—Alaska, the regional corporation may make in-lieu selections of subsurface estate, in an equal acreage, from the lands withdrawn by subsection 11(a) of the act.

It should also be noted that although interim conveyance No. 042, issued to Olgoonik Corp. on May 20, 1976, stated approximately 105,312 acres were conveyed, the acreage actually contained in the lands described in that document totalled approximately 104,417 acres; therefore, the grand total of the acreage in interim conveyance No. 042 and those lands described herein is approximately 109,401 acres. The in-lieu subsurface entitlement to the region will reflect this corrected acreage.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in the lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until December 12, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

RICHARD E. SOREMON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32530 Filed 11-9-77;8:45 am]

[4310-84]

[AR-04855]

ARIZONA

Termination of Proposed Withdrawal and and Reservation of Lands: Correction

OCTOBER 31, 1977.

In the September 23, 1977, FEDERAL REGISTER, Volume No. 42, Page Numbers 48399-48400, Document Number 77-27763, the land description in the third column of Page 48399 is corrected to read:

T. 5 S., R. 10 W.,
Sec. 30, Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.77-32578 Filed 11-9-77;8:45 am]

[4310-84]

[NM 31812, 31978, 31988, and 32005]

NEW MEXICO

Notice of Applications

NOVEMBER 2, 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 four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 9 W.,
Sec. 6, lot 8;
Sec. 9, E½SE¼;
Sec. 10, NW¼SW¼;
Sec. 34, SE¼NE¼;
Sec. 35, lots 4 and 5.

T. 30 N., R. 10 W.,
Sec. 10, lot 3.

These pipelines will convey natural gas across 0.912 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 promtly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32581 Filed 11-9-77;8:45 am]

[4310-84]

[NM 31979]

NEW MEXICO

Notice of Application

NOVEMBER 2, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 29, W½SE¼.

This pipeline will convey natural gas across 0.354 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32579 Filed 11-9-77;8:45 am]

[4310-84]

[NM 31989]

NEW MEXICO

Notice of Application

NOVEMBER 2, 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), Continental Oil Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 20, W½SW¼;
Sec. 29, W½NW¼ and NW¼SW¼.

This pipeline will convey natural gas across 0.903 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be ap-

proved, and if so, under which terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32580 Filed 11-9-77;8:45 am]

[4310-84]

[NM 31862, 32000, 32002, 32003, 32004, 32006, 32007, 32008, 32009, 32017 and 32018]

NEW MEXICO

Applications

OCTOBER 31, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eleven 4½-inch natural gas pipelines with related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 35, SE¼NW¼.
T. 28 N., R. 8 W.,
Sec. 8, lots 2, 3 and S½SW¼.
T. 29 N., R. 8 W.,
Sec. 8, lot 3; sec. 32, NW¼SW¼.
T. 25 N., R. 9 W.,
Sec. 20, SW¼SW¼; sec. 29, NW¼NW¼; sec. 30, lots 1, 2, N½NE¼ and NE¼NW¼.
T. 29 N., R. 9 W.,
Sec. 14, lot 5; sec. 20, N½NE¼ and NE¼NW¼; sec. 23, lots 4 and 5; sec. 33, S½NW¼ and NW¼SW¼.
T. 25 N., R. 10 W.,
Sec. 25, E½NE¼.
T. 31 N., R. 10 W.,
Sec. 31, lots 11, 12, 14, 19 and 20.
T. 32 N., R. 11 W.,
Sec. 24, N½NE¼; sec. 28, E½NW¼.

These pipelines will convey natural gas across 4.391 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32598 Filed 11-9-77;8:45 am]

[4310-84]

[N-6818]

NEVADA

Airport Lease Application Withdrawn

NOVEMBER 2, 1977.

Notice is hereby given that White River Valley Land & Development Company, Inc. has withdrawn its airport lease application on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 62 E.,
Sec. 3, N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 4, SW¼, NE¼, W½SE¼, SE¼NW¼;
Sec. 9, W½E½.
T. 13 N., R. 62 E.,
Sec. 34, S½SW¼, W½SE¼.

Therefore, at 10 a.m. on December 8, 1977 the lands will be relieved of the segregative effect of the application.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-32608 Filed 11-8-77;8:45 am]

[4310-84]

[N-16614]

NEVADA

Airport Lease Application

NOVEMBER 3, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Nye County has applied for an airport lease for the following land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21, S., R. 53 E.,
Sec. 5, all;
Sec. 8, E½, NE¼NW¼;
Sec. 9, W½;
Sec. 16, E½, NW¼, NE¼SW¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of appropriation under the public land laws.

Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Box 5400, Las Vegas, NV 89102.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-32597 Filed 11-9-77;8:45 am]

[4310-84]

[OR 2235]

OREGON

Order Providing for Opening of Public Lands

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. 21 S., R. 30 E.,
Sec. 14, SW¼NE¼, N½SE¼, and SE¼SE¼.
T. 22 S., R. 31 E.,
Sec. 16, N½NE¼, SW¼NE¼, NW¼, and N½SW¼, except that parcel of land in the NE¼NE¼ containing 0.06 acre, more or less, conveyed to the Malheur Railroad Company for railroad purposes by deed recorded March 16, 1926, at Book 32 Page 323, Deed Records of Harney County, Oreg.;
Sec. 19, lot 1, except that parcel of land containing 3.00 acres, more or less, conveyed to Harney County, Oregon, for road purposes, by deed recorded August 6, 1954, at Book 59, Page 69, Deed Records of Harney County, Oreg.
T. 21 S., R. 32½ E.,
Sec. 29, NE¼NW¼, except that parcel of land containing 2.08 acres, more or less, conveyed to Harney County, Oregon, for road purposes, by deed recorded September 20, 1950, at Book 52, Page 701, Deed Records of Harney County, Oreg.
T. 29 S., R. 34 E.,
Sec. 17, NW¼NW¼.

The areas described aggregate, after making the aforesaid exceptions, 629.39 acres in Harney County, Oreg.

2. The subject lands consist of four parcels located generally within 4 to 15 miles north and northeast of the City of Burns and one parcel located near Riddle Creek approximately 45 miles southeast of the City of Burns. Elevation ranges from 4,300 to 5,200 feet above sea level, and the topography varies from gently sloping to rough and steep. Vegetation consists primarily of sagebrush and native grasses with some juniper, ponderosa pine, and mountain mahogany on a few of the parcels. 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.

3. 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 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 10:00 a.m. December 7, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. 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.

FREDERICK S. CRAFTS,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-32609 Filed 11-9-77;8:45 am]

[4310-84]

[U-38078]

UTAH

Proposed Withdrawal and Reservation of Lands

OCTOBER 31, 1977.

The Bureau of Reclamation, Department of Interior, has filed application, Serial No. U-38078, for the withdrawal of 299.03 acres of public land in the Ashley National Forest from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws subject to valid existing rights.

The Bureau of Reclamation desires this land for trailhead and recreation purposes in connection with the Uintah Unit, Central Utah Project, Utah.

On or before November 23, 1977, all persons who wish to submit comments,

suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Management, at the address shown below, by November 23, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized office will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period of two years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the lands will remain segregated.

The lands involved in the application are:

UINTAH MERIDIAN, UTAH

T. 3 N., R. 1 E., (Paradise Park Reservoir)
Sec. 7, SE¼SE¼;
Sec. 8, SW¼SW¼.
T. 4 N., R. 1 W., (Chepeta Lake Trailhead)
Sec. 4, lot 4.
T. 2 N., R. 2 W., (Uinta River Day Use and Parking)
Sec. 4, lot 4;
N½SW¼NW¼;
NE¼SW¼.
T. 3 N., R. 2 W., (Uinta River Trailhead)
Sec. 30, SW¼NE¼.
T. 4 N., R. 2 W., (West Fork Whiterocks River Trailhead)
Sec. 24, NW¼SE¼.
Containing 299.03 acres in Duchesne and Uintah Counties.

All communications in connection with this withdrawal should be addressed to the State Director, Bureau of Land Management, Department of the Interior, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

PAUL L. HOWARD,
State Director.

[FR Doc.77-32582 Filed 11-9-77;8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: LOUIS J. BOUGIE, ROUTE 3, DE PERE, WIS., 54115

This application is for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation of the following species of pheasants:

Brown-eared (*Crossoptilon mantchuricum*)
Edward's (*Lophura edwardsi*)
Bar tailed (*Syrmaticus humiae*)
Mikado (*Syrmaticus mikado*)
Palawan Peacock (*Polyplectron emphanum*)
Swinhoe's (*Lophura swinhoii*)

Humane shipment and care in transit is assured.

Document and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1428. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32627 Filed 11-9-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: CHICAGO ZOOLOGICAL PARK (BROOKFIELD ZOO) BROOKFIELD, ILL. 60513

The purpose of the application is to purchase and transport one male and one female mandrill (*Papio sphinx*) from the Gladys Porter Zoo, Brownsville, Texas, to the Chicago Zoological Park, Brookfield, Ill. for the purposes of zoological exhibition and scientific research. Humane shipment and care has been indicated by applicant.

Document and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1592. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32628 Filed 11-9-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: FORT WORTH ZOOLOGICAL PARK, 2727 ZOOLOGICAL PARK DRIVE, FORT WORTH, TEX. 76110

The purpose of the application is to export 25 American alligators (*Alligator mississippiensis*) to Stuttgrat, Cairo, Calcutta, and Tel Aviv as gifts. The animals were captive born in October 1976. The animals will be used for zoological exhibition. Appropriate humane consideration has been indicated by applicant.

Document and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1153. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32629 Filed 11-9-77;8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: TRUMAN FRANKLIN MAYNARD, P.O. BOX 537, 114 LEE STREET, WETUMPKA, ALA. 36092

This application is for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation of the following species of pheasants:

Brown-eared (*Crossoptilon mantchuricum*)
Edward's (*Lophura edwardsi*)
Bar tailed (*Syrmaticus humiae*)
Mikado (*Syrmaticus mikado*)
Palawan Peacock (*Polyplectron emphanum*)
Swinhoe's (*Lophura swinhoii*)

Humane shipment and care in transit is assured.

Document and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1552. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32630 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: MINNESOTA ZOOLOGICAL GARDEN, 12101 JOHNNY CAKE RIDGE ROAD, APPLE VALLEY, MINNESOTA 55124

The purpose of this application is to import two male and four female Bactrian camels (*Cameuls bactrianus*) from Norway. These animals were captive born in 1975 and 1976 and will be used for zoological exhibition and captive breeding to enhance the survival of the species. Appropriate human consideration have been indicated by applicant.

Document and other information submited with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1534. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32631 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: MICHAEL B. MUSE, P.O. BOX 221, FLORENCE, MISSISSIPPI 39073

This application is for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation of the following species of pheasants:

Brown-eared (*Crossoptilon mantchuricum*).
Edward's (*Lophura edwardsi*).
Bar tailed (*Syrmaticus humiae*).
Mikado (*Syrmaticus mikado*)
Palawan Peacock (*Polyplectron emphanum*).
Swinhoe's (*Lophura swinhoii*).

Humane shipment and care in transit is assured.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1524. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32632 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: RUSH - PRESBYTERIAN - ST. LUKE'S MED. CTR., 1753 WEST CONGRESS PARKWAY, CHICAGO, ILLINOIS 60612

The purpose of application is to export 2 female and 1 male cotton-top marmosets (*Saguinus oedipus*) to Germany. These animals are being used in international cancer research. Appropriate humane treatment has been indicated by the applicant.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1318. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32633 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: SAN DIEGO ZOOLOGICAL GARDEN, P.O. BOX 551, SAN DIEGO, CALIFORNIA 92112

The purpose of this application is to export four Ring-tailed lemurs (*Lemur catta*) to Belgium. The animals will be used by the Antwerp Zoo for a long-term captive breeding project. Appropriate humane considerations have been indicated by applicant.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1522. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32634 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: MRS. MAURY STOCKLEY, TWIN VALLEY GAME BIRD FARM, ROUTE NO. 5—BOX 52 (LACONIA COMMUNITY), SOMERVILLE, TENNESSEE 38068

This application is for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation of the following species of pheasants:

Brown-eared (*Crossoptilon mantchuricum*).
Edward's (*Lophura edwardsi*).
Bar tailed (*Syrmaticus humiae*).
Mikado (*Syrmaticus mikado*).
Palawan Peacock (*Polyplectron emphanum*).
Swinhoe's (*Lophura swinhoii*).

Humane shipment and care in transit is assured.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–1520. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32635 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: RAYMOND T. UYEDA, 3638–C CRATER ROAD, HONOLULU, HAWAII 96816

This application is for authorization to purchase 12 male and 12 female scarlet-chested parakeets (*Neophema splendida*) and 12 male and 12 female Turguoise parakeets (*Neophema pulchella*). Humane shipment and care in transit is assured.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1241. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by December 12, 1977. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32636 Filed 11-9-77;8:45 am]

[4310–55]

ENDANGERED SPECIES PERMIT

Receipt of Application

APPLICANT: GLENN C. YODER, RT. 1, BOX 34A TOPEKA, INDIANA 46571

The purpose of the application is to obtain one pair of Whiteeared pheasants (*Crossoptilon crossoptilon*) from a breeder, Mr. Charles Sivelle of Long Island, New York. These animals were born in captivity in 1977 and will be used for propagation purposes. Appropriate humane considerations have been indicated by applicant.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H St., NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1529. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: November 7, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-32637 Filed 11-9-77;8:45 am]

[4310–55]

MARINE MAMMAL PERMIT APPLICATIONS FROM FOREIGN APPLICANTS

Policy Statement

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice sets forth the U.S. Fish and Wildlife Service policy for considering Marine Mammal Permit applications from foreign facilities. Without this policy, it would be impossible for the Service to ensure compliance with conditions contained in the Marine Mammal permits issued to foreign facilities.

FOR FURTHER INFORMATION CONTACT:

Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone: (202) 254–8100.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (FWS) has determined that, under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), its responsibilities with respect to the care and maintenance of animals in facilities outside the jurisdiction of the United States can be met only if there is independent evidence upon which to base a conclusion as to the reliability of statements concerning existing or planned facilities set forth in an application, as well as independent evidence that the Government having jurisdiction over the facility has the appropirate laws and regulations to ensure compliance with permit conditions, including the permittee's duty to provide to FWS essential periodic reports, and is willing to do so. This policy is almost the same as the one published March 12, 1975 (40 FR 11619) [1] by the National Marine Fisheries Service which has jurisdiction over certain species under the Marine Mammal Protection Act.

Notice is hereby given that no application from a foreign facility for a permit to take marine mammals for export from the United States will be considered unless:

(a) It is submitted to the Director, FWS, through an appropriate agency of a foreign government;

(b) It includes, in addition to the information required by pertinent regulations (50 CFR 18.31);

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such appropriate government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit and that the government will enforce such terms;

iii. A statement from the government concerned that it will afford comity to a FWS decision to amend, suspend, or revoke a permit.

For purposes of obtaining certification from the appropriate government agency, a foreign facility may obtain a copy of the general conditions of a permit by writing to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

For purposes of this notice and the processing of all applications from a foreign facility for a permit, "appropriate government agency" means that agency or agencies of a foreign government which perform functions and activities similar to the functions and activities performed by FWS.

This notice was prepared by Donald G. Donahoo and Arthur Lazarowitz of the Federal Wildlife Permit Office.

Dated: October 31, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-32638 Filed 11-9-77;8:45 am]

[1] See "Hong Kong Jockey Club (Charities) Ltd. and La Galapene," FR Doc. 75-6386.

[4310–10]

Office of the Secretary

[Order No. 3009, Amendment No. 1]

ELECTED GOVERNOR AND LIEUTENANT GOVERNOR OF AMERICAN SAMOA

By Senate Concurrent Resolution No. 47 of September 23, 1977, the Legislature of American Samoa requested the Secretary to amend Order No. 3009 to provide therein that the Attorney General of the territory of American Samoa shall be selected and appointed by the Secretary of the Interior and confirmed by the Legislature of American Samoa under the provisions of 3 ASC 12 (c) (§ 1 of Pub. L. 15-23). Therefore, a new Section 4 is added to Order No. 3009 to read as follows:

Sec. 4 *Attorney General of American Samoa.* (a) The Attorney General of American Samoa shall be appointed by the Secretary of the Interior. Such appointment shall be effective from and after the date specified in the instrument of appointment, and shall continue at the pleasure of the Secretary of the Interior, provided, however, that such appointment shall be submitted to the Legislature of American Samoa if in session, and if not in session at the next regular session for confirmation by a majority vote of each house. If not confirmed by the end of the regular session next following the date of appointment, the appointment shall terminate 30-days thereafter. Vacancies, including vacancies caused by failure of confirmation shall be filled in like manner as original appointment.

(b) The Attorney General shall have the duties prescribed by the laws of American Samoa. With respect to such duties, the Attorney General shall be under the general supervision and control of the Governor as provided in Article IV, Section 7, Constitution of American Samoa.

(c) The Attorney General shall also have duties as prescribed in this order, and otherwise as may be assigned to him by the Secretary of the Interior from time to time. In the case of any conflict or inconsistency between his duties under the laws of American Samoa and his duties to the Secretary of the

Interior, the Attorney General shall have the privilege of disqualifying himself from any matter or subject in such manner as to leave intact the primacy of his responsibilities to the Secretary of the Interior.

(d) The Attorney General shall be furnished with a copy of each bill enacted by the Legislature of American Samoa, and he shall be empowered to comment thereon to the Governor on behalf of the Secretary of the Interior, provided, however, that such comment shall be clearly identified as being on behalf of the Secretary of the Interior, otherwise it shall be deemed to be a recommendation to the Governor under his duties under subsection (b) above.

(e) The compensation of the Attorney General shall be as provided by the Legislature of American Samoa, but not less than the salary prescribed from time to time for the Lieutenant Governor. If the Attorney General is not an American Samoan or a permanent resident of American Samoa, he or she shall be treated as nearly as may be as a contract employee of the Government of American Samoa, with respect particularly to housing entitlement, medical services, annual leave accrual, and such other benefits as may be mad available to contract employees, and shall receive an increment to the legislatively prescribed salary of 25 percent.

With the addition of this amendment, former Sections 4 through 6 are renumbered Sections 5 through 7, respectively.

A further amendment is made to Order No. 3009 in Section 2, Election of Governor and Lieutenant Governor as follows: Line 6 of Section 2 is amended to read as follows: "shall, commencing with the first Tuesday following the first Monday, November 1977."

The amended section, therefore will read as follows:

The Governor and the Lieutenant Governor of American Samoa shall, commencing with the first Tuesday following the first Monday of November 1977, be popularly elected and serve in accordance with the laws of American Samoa.

Effective date: This Order shall be effective as of November 3, 1977. Its provisions shall remain in effect until amended, superseded, or revoked, whichever occurs first.

Prepared for publication in the FEDERAL REGISTER.

Dated: November 3, 1977.

CECIL D. ANDRUS,
Secretary.

[FR Doc.77-32583 Filed 11-9-77;8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-38]

CERTAIN FOOD SLICERS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on October 6, 1977, and an amendment filed October 25, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Prodyne Enterprises, Inc., Montclair, California, alleging that unfair methods of competition and unfair acts exist in the importation of food slicers into the United States, or in their sale, by reason of the alleged coverage of such articles by claim 6 of the U.S. Letters Patent 3,766,817. It alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests a permanent exclusion from entry into the United States of the imports in question.

Having considered the complaint, as amended, the United States International Trade Commission, on November 4, 1977, ORDERED—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint, as amended, there is a violation of subsection (a) of this section in the unauthorized importation of food slicers or the base member thereof, into the United States, or in their unauthorized sale, by reason of such food slicers allegedly being covered by claim 6 of U.S. Letters Patent 3,766,817, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint, as amended, and this notice are to be served:

FOREIGN MANUFACTURER AND EXPORTER

Scan Look, Prai Free Trade Zone, Prai, Penang, Malaysia.

IMPORTERS

Federated Department Stores, Inc., 220 W. 7th Street, Cincinnati, Ohio 44736.
Carson Pirie Scott, One South State Street, Chicago, Ill. 60603.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby appointed as Presiding Officer; and

(4) That, for the purpose of the investigation so instituted, Donald R. Dinan, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the named repondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to sections 210.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint, as amended. Extensions of time for submitting a response will not be granted unless good and sufficient cause thereof is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, as amended, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, as amended, and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, as amended, and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, as amended, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington D.C. 20436, and in the New York office of the Commission, 6 World Trade Center.

Issued: November 7, 1977.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-32663 Filed 11-9-77;8:45 am]

[7020-02]

[Investigation No. 337-TA-36]

CERTAIN PLASTIC FASTENER ASSEMBLIES

Date of Resumption of Investigation

Notice is hereby given that the United States International Trade Commission on November 4, 1977, affirmed the Presiding Officer's recommendation of October 21, 1977, and ordered the termination of the suspension of Commission investigation No. 337-TA-36 of Certain Plastic Fastener Assemblies effective January 2, 1978.

Notice of institution of the investigation was published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40786), and notice of suspension of the investigation was published in the FEDERAL REGISTER on October 18, 1977 (42 FR 55654).

Issued: November 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-32664 Filed 11-9-77;8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

COLLABORATIVE RESEARCH INC.

Manufacture of Controlled Substances; Registration

By Notice dated August 16, 1977 and corrected Notice dated September 29, 1977, and published in the FEDERAL REGISTER on August 23, 1977 and October 4, 1977; (42 FR 42392 and 54026), Collaborative Research, Inc., 1365 Main Street, Waltham, Massachusetts 02154, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of lysergic acid diethyl-

amide, a basic class of controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of lysergic acid diethylamide is granted.

Dated: October 31, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-32588 Filed 11-9-77;8:45 am]

[4410-01]

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1977 Revised Aggregate Production Quota Thebaine for Conversion

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On September 29, 1977, a notice of the proposed revised aggregate production quota for 1977 for Thebaine For Conversion was published in the FEDERAL REGISTER (42 FR 51672). All interested parties were invited to comment on or object to the proposed aggregate production quota on or before October 26, 1977. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the revised aggregate production quota for the controlled substance listed below, expressed in grams of anhydrous base, be established as follows:

	Issued 1977
Basic class:	
Thebaine for conversion	1,168,000

This order is effective November 10, 1977.

Dated: November 3, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-32589 Filed 11-9-77;8:45 am]

[4410-01]

FHER CORP. LTD. ET AL.

Manufacture of Controlled Substances; Registration

By Notice dated September 8, 1977, and published in the Federal Register on September 15, 1977 (42 FR 46422-46423), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Fher Corp. Ltd., Carretera 132, KM 25.3, P.O. Box 4108, Ponce, Puerto Rico 00731 (August 9, 1977):

Drug:	Schedule
Phenmetrazine	II

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11530 (July 25, 1977):

Drug:	Schedule
Hydrocodone	II
Oxycodone	II
Oxymorphone	II

Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901 (July 29, 1977):

Drug:	Schedule
Methylphenidate	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR Section 1301.54(e), the Administrator hereby orders that the application submitted by each of the above firms for registration as bulk manufacturers of the basic class of controlled substances listed therein are granted.

Dated: October 31, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-32587 Filed 11-9-77;8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-72]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Divivelopment Co., Tokyo, Japan, an exclusive patent license in Japan for the four NASA-owned inventions covered by the Japanese Counterparts of: (1) U.S. Application Serial No. 744,573 for "Method and Apparatus for Conditioning of Nickel-Cadmium Batteries," filed by NASA on November 24, 1976; (2) U.S. Application Serial No. 753,964 for "Intumescent-Ablator Coatings," filed by NASA on December 23, 1976; (3) U.S. Application Serial No. 753,977 for "Illumination Control Apparatus for Compensating Solar Light," filed by NASA on December 23, 1976; and (4) U.S. Application Serial No. 776,146 for "Formulated Plastic Separators for Soluble Electrode Cells," filed by NASA on March 10, 1977. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Va. 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: November 3, 1977.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.77-32411 Filed 11-9-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324]

CAROLINA POWER AND LIGHT CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power and Light Company for the operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, located in Brunswick County, North Carolina. The amendments would modify or delete from the operating licenses the requirement originally imposed by the Commission to install cooling towers. A similar requirement was subsequently imposed by the Environmental Protection Agency.

Operating License Nos. DPR-71 and DPR-62 require the installation of cooling towers at the Brunswick Station by virtue of incorporation of a "Stipulation by Applicant, Intervenor and AEC Regulatory Staff" dated July 8, 1974. The May 1, 1978 date for installation of cooling towers specified in the Stipulation was extended until January 1, 1979, by amendment, May 18, 1976.

The Environmental Protection Agency (EPA) issued a NPDES Permit for the Brunswick Station December 31, 1974, also requiring installation of cooling towers by May 1, 1978. Carolina Power and Light Company (CP&L) requested an adjudicatory hearing seeking review of portions of the NPDES permit including the cooling tower requirement. A

hearing was held but a decision has not yet been issued. In the interim, construction of the cooling towers was suspended by CP&L based on the stay, pursuant to EPA regulations, of the installation date in the NPDES permit and the extension, by the Commission, granted in May, 1976.

CP&L, by application for amendment dated March 4, 1977, has requested that Operating License DPR–71 and DPR–62 be revised to eliminate the requirement to construct cooling towers. CP&L urges that this action is necessary in order to eliminate conflicts between the NRC operating licenses and the Brunswick NPDES permit and to comply with Section 511(c)(2) of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251 et seq.). CP&L proposes the following condition in lieu of the present requirement for cooling tower installation:

This license is subject to subsequent determination by the Commission that the benefits of the plant outweigh its total costs, including costs associated with long-term operation of the once-through cooling system, in the event any NPDES permit issued following a final decision in pending adjudicatory proceedings before the EPA authorizes once-through cooling for a period in excess of three years from date of issuance of the permit.

Other alternatives (in addition to the one proposed by CP&L) consistent with the objective of reconciling the operating licenses with the NPDES permit may be considered. An example would be retention of the cooling tower installation requirement in the operating license but with an extension of the January 1, 1979, installation date sufficient to allow conclusion of the EPA process plus a period to allow for construction. Other alternatives will be evaluated as appropriate.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By December 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036 and Richard E. Jones, Esquire, Carolina Power and Light Company, 336 Fayetteville Street, Raleigh, North Carolina 28401, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Comission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 4, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. The license amendment and the Environmental Impact Appraisal, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 3rd day of November 1977.

For the Nuclear Regulatory Commission.

ALBERT SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-32695 Filed 11-9-77;8:45 am]

[7590-01]

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO., ET AL. (WM. H. ZIMMER NUCLEAR STATION)

Notice of Reconstitution of Board

Dr. John R. Lyman was a member of the Atomic Safety and Licensing Board for the above proceeding. Because of illness, Dr. Lyman is unable to continue his service on this Board.

Accordingly, Dr. Frank F. Hooper, whose address is School of Natural Resources, University of Michigan, Ann Arbor, Mich. 48109, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Md., this 2d day of November 1977.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.77-32539 Filed 11-9-77;8:45 am]

[7590-01]

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO.

Order Convening Prehearing Conference

In the matter of Cincinnati Gas and Electric Co., et al. (William H. Zimmer Nuclear Power Station, Unit No. 1).

The parties to this proceeding have conferred on a convenient date and have suggested the advisability of a prehearing conference on November 17, 1977.

The Atomic Safety and Licensing Board finds that upon the basis of the progress in this proceeding and the necessity of expeditious disposition of the pending application for an operating license that a prehearing conference should be convened.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that a prehearing conference shall convene at 9 a.m. on Thursday, November 17, 1977, in the City Council Chambers of City Hall, Ninth and Plum Streets, Cincinnati, Ohio 45202.

Issued November 4, 1977, Bethesda, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-32538 Filed 11-9-77;8:45 am]

[7590-01]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Consolidated Edison Co. of New York, Inc. The relief relates to the inservice inspection (testing) program for Indian Point Nuclear Generating Unit No. 2 (the facility) located in Westchester County, N.Y. The ASME Code requirements are

incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of deleting certain ASME Code Section XI Inservice requirements determined to be impractical for the facility.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated August 3, 1977, as supplemented September 22, 1977, (2) the Commission's letter to the licensee dated October 28, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White action, see (1) the request for relief Plains, Public Library, 100 Martine Avenue, White Plains, N.Y. 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, Md., this 28th day of October 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-32540 Filed 11-9-77;8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a proposed amendment to Provisional Operating License No. DPR-22, issued to the Northern States Power Co. (the licensee), for the Monticello Nuclear Generating Plant (the facility). The facility is a boiling water reactor located in Wright County, Minn., and currently authorized for operation at power levels up to 1670 MWt.

In accordance with the licensee's request dated September 30, 1977, the amendment would result from a reevaluation of Emergency Core Cooling System (ECCS) cooling performance submitted on September 15, 1977, in accordance with the Commission's Order for Modification of License dated March 11, 1977. This reevaluation not only corrected the errors noted in the March 11, 1977, Order but also included the effect of certain other recently approved model changes in the ECCS evaluation models. If and when authorized, the amendment would permit a change, generally an increase, in authorized Maximum Average Planar Linear Heat Generation Rates for future operation and is the aspect of the amendment covered by this notice.

The Commission will act upon the amendment upon: (1) The completion of a Safety Evaluation by the Office of Nuclear Reactor Regulation; and (2) completion of the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has the right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's letter dated September 15, 1977, and related license amendment request dated September 30, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401.

Dated at Bethesda, Md., this 1st day of November, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-32541 Filed 11-9-77;8:45 am]

[7590-01]

[Docket No. 50-57]

NUCLEAR SERVICE AND TECHNOLOGY FACILITY

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. R-77, issued to State University of New York at Buffalo (the licensee), which will revise Technical Specifications for operation of the Nuclear Science and Technology Facility, located in Buffalo, N.Y.

The amendment would revise the provisions in the Technical Specifications to permit temporary additional fuel storage capacity, in accordance with the licensee's application for amendment dated October 13, 1977, and supplement dated October 26, 1977.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By December 12, 1977 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR

Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of the FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 13, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, Mr. August La Rocco, New York City Department of Health, 125 Worth Street, New York, N.Y. 10013.

Dated at Bethesda, Md., this 3d day of November 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-32542 Filed 11-9-77;8:45 am]

[7590-01]

REGULATORY GUIDES

Expiration of Initial Public Comment Period

The Nuclear Regulatory Commission staff has, after consideration of public comments received, determined that there is no need for a revision at this time to Regulatory Guide 2.5, "Quality Assurance Program Requirements for Research Reactors." Most regulatory guides are revised to reflect additional staff review and public comments received during the initial 60-day comment period following a guide's first issuance. However, in a few cases, a guide may deal with a non-controversial subject or may be a simple codification of existing practice, and therefore there may be no need for a revision. The guide noticed here is in this latter category, and for this reason the staff has concluded that no changes are needed at this time. The staff is therefore now using the guide in evaluating applicant and licensee submittals and performance, as noted in the guide's implementation section.

The guide with the words "For Comment" deleted is being reissued to the distribution list for Division 2, "Research and Test Reactors." "R" added to the revision number is to indicate that the page (or guide) has been reissued with no changes in the text.

Requests for single copies of the reissued guide should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control.

Comments and suggestions for improvements in regulatory guides are encouraged at all times, and guides are revised, as appropriate, to accommodate comments and reflect new information or experience. However, newly issued guides have an initial comment period of about two months after issuance. Following the expiration of this period, the staff reviews the comments and revises the guides, as appropriate, to reflect such suggestions as alternative ways of achieving acceptable levels of safety and safeguards.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 31st day of October 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director, Office of Standards Development.

[FR Doc.77-32544 Filed 11-9-77;8:45 am]

[7590-01]

TOPICAL REPORT

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG-0318, "Desirability and Feasibility of Vault Automation in Special Nuclear Material Storage."

This report is the result of a study initiated in 1976 to examine the feasibility and desirability of improving safeguards functions by increasing the degree of automation of SNM-storage-vault operations. The report quantifies, in a relative sense, the improvement that may come with increasing automation. The technology of automation of vaults described may assist licensees in meeting certain requirements with regard to SNM storage. The report was prepared for the NRC by Oak Ridge National Laboratory.

NUREG-0318 is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161. (Paper copy: $6; Microfiche: $3.)

Dated at Rockville, Md., this 1st day of November 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director, Office of Standards Development.

[FR Doc. 77-32545 Filed 11-9-77;8:45 am]

[7590-01]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO.; WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 28 and 32 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the date of issuance.

These amendments: (1) modify the coefficients of the overpower and overtemperature ΔT setpoint equations, (2) permit limited removal of individual fuel rods suspected of leaking, and (3) delete the description of Part Length Rod Control Cluster assemblies from the Technical Specifications of Point Beach Nuclear Plant Units Nos. 1 and 2.

The applications for the amendments 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 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 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 applications for amendments dated July 8, 1977 (as supplemented by letted dated September 20, 1977) and July 8, 1977, (2) Amendment No. 28 to License No. DPR-24, (3) Amendment No. 32 to License No. DPR-27, and (4) the Commission's related

Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the University of Wisconsin, Stevens Point Library, Attn: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of November 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-32543 Filed 11-9-77;8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-45]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Pipeline Accident Report No. NTSB-PAR-77-3.—National Transportation Safety Board investigation of the accident which triggered a $5-million natural gas compressor station fire near Robstown, Texas, last December 7 has been completed. The investigation report was officially approved by the Members of the Safety Board on October 13 and copies will be made available to the public in the near future.

Investigation revealed that at 11 a.m. a natural gas compressor operating at 1,000 psig pressure failed and then exploded and burned at an Exxon Gas System, Inc., station near Robstown. The station and its two transmission lines linked Houston with Exxon's King Ranch gas processing plant, the world's largest.

An emergency shutdown system was activated by a worker at the station, but the four automated fire gate valves on the two pipelines that supplied the station did not close. Another emergency control system also failed to automatically close the shutoff valves leading to two of the five compressors in the station.

One-half hour later, a second explosion occurred within the burning building in one of the compressors that had not shut down automatically. Pipeline valves upstream and downstream of the station had to be closed manually. Gas burned for 3 hours until the pipeline pressure decreased to 250 psig and the fire gate valves could be approached and closed manually. The fire killed one person, injured two persons, and destroyed three engine-driven compressors and the compressor building.

The Safety Board determined that the probable cause of the accident was the failure of the studs securing the 10-inch valve cover; the studs failed from stress fatigue and tension because they were overtightened. The natural gas that was released ignited, possibly by an electrical spark from a compressor engine. Contributing to the large losses was the failure of a cast-iron compressor cylinder due to overheating and a high internal gas pressure, and the failure of several automatic emergency shutdown valves to close.

As a result of the investigation, the Safety Board on October 31 issued the following recommendations:

TO THE EXXON COMPANY, U.S.A.

Take necessary steps to insure that studs on compressors and engine components are tightened to the number of foot-pounds of torque recommended by the equipment manufacturer. P-77-27)

Inspect emergency shutdown valves and their components at compressor stations at more frequent intervals than 1 year (monthly or quarterly) until equipment of proven reliability has been installed, tested, and shown to be responsive for longer periods of inactivity. (P-77-28)

Make a total systems review of electric, air, and gas-operated emergency equipment, with particular emphasis on interconnected air systems and backup or dual-feed air systems in compressor stations. (P-77-29)

Include, in emergency shutdown systems, a separate control to remotely operate valves that can independently blow down the station piping. (P-77-30)

Investigate more dependable items of control equipment and replace existing solenoid and 4-way valves at fire gate valves with this equipment. (P-77-31)

Designate critical valves on control lines (gas, air, and hydraulic) as to whether they should be normally open or closed, and place signs on these valves whenever the lines are shut down for maintenance or when the valves are not in their normal positions. Such changes should be authorized, logged, and reported to all personnel responsible for the operation of the system. (P-77-32)

Train operating personnel from other stations and other nearby operating divisions of the company on the operation of emergency transmission line valves and emergency station fire control valves. Furnish each company office that could be expected to help in an emergency with a contingency plan book and drawings of all of the facilities they might be expected to operate. (P-77-33)

Each of recommendations P-77-27 through 33 is designated "Class II, Priority Followup."

TO THE MATERIALS TRANSPORTATION BUREAU, U.S. DEPARTMENT OF TRANSPORTATION

Review compressor station accidents to determine if there have been similar problems with remote-control shutdown devices. If there have been reliability problems, make a survey to determine the optimum time between inspections and amend 49 CFR 192.731(c) by decreasing the time interval between inspection and testing from the current minimum of 1 year to reflect these findings. (P-77-34)

Add to 49 CFR Part 192 a requirement for pneumatic-operated compressor station equipment, similar to the requirement in 49 CFR 192.167(3) for electric-operated equipment, to isolate instrument air supply to automatic facilities, and to provide backup or separate emergency pneumatic facilities. (P-77-35)

Add to 49 CFR 192.729 a section to require the proper torquing procedures for studs, as specified by the compressor manufacturer, when reassembling compressors after maintenance work. Include periodic testing of these studs, by ultrasonic or other means, to insure their integrity during operation. (P-77-36)

Recommendations P-77-34 through 36 are each designated "Class III, Longer Term Followup."

Aviation Accident Report No. NTSB-AAR-77-5.—The Safety Board last week released its investigation report on the September 13, 1976, midair collision near Brighton, Florida, involving a Cessna 414 and a United States Air Force F-4E Phantom II fighter. The F-4E was the No. 3 aircraft in a formation of three F-4E's (REED 11 flight) which was descending to enter a restricted area for low-level gunnery practice. The planes collided at 12,500 feet m.s.l. outside the boundaries of restricted airspace. The pilot and three passengers on board the Ruel Insurance Corporation Cessna and a pilot onboard the F-4E were killed. The other pilot from the F-4E ejected successfully and escaped injury. Both aircraft were destroyed during the collision and subsequent ground impact.

The Safety Board determined that the probable cause of this accident was the failure of the pilots of REED 11 flight to maintain adequate vigilance in order to see and avoid the light aircraft. Contributing to the accident was the inconsistency between Homestead Air Force Base Supplement 1 to Tactical Air Command Manual 55-4 which allowed a VFR descent into the Avon Park Gunnery Range and Air Force Regulation 60-16 which required all flights to be conducted under IFR conditions unless to do so would result in unacceptable mission derogation.

The Board continues to be concerned with the limitations of the see-and-avoid concept used by aircraft operating under visual flight rules, stating that this accident again illustrates the care that must be taken and the "outside cockpit" vigilance which must be maintained by all pilots operating under visual flight rules, or, in some cases, instrument flight rules. The Board believes that pilots must understand that when flying in visual meteorological conditions—whether IFR or VFR—see-and-avoid may be the only method that may avoid a collision with another aircraft—if air traffic control has not advised them of any conflicting traffic.

Further, the Board has consistently supported the installation of collision avoidance systems to aid pilots. The subject accident, and others, shows that the see-and-avoid concept of collision avoidance must be augmented with an automated system which can resolve potential collision conflicts.

As a result of the investigation of this accident, the Safety Board last February 16 recommended that the Federal Aviation Administration (1) establish direct lines of communication between appropriate air traffic control facilities and military tactical operations (A-77-9), and (2) assume UHF guard transmitting and receiving capability at all control

positions where air traffic control services are provided to military tactical flights (A–77–10). (See 42 FR 10915, February 24, 1977.) FAA's response of April 26 indicated that acceptable corrective action would be taken. (See 42 FR 24132, May 12, 1977.)

Aviation Accident Report No. NTSB–AAR–77–6.—Also released last week was the Safety Board's investigation report on an Air Manila charter flight which on June 4, 1976, crashed on takeoff from Guam, Marianas Islands.

Investigation indicated that when the aircraft lifted off the 10,015-foot runway, the No. 3 propeller feathered. The aircraft climbed to between 75 and 100 feet, flew level for 1,600 feet, and then struck gradually rising terrain in a tail-low attitude 4,300 feet beyond the end of the runway. The aircraft dragged along the brow of the hill, dropped off a 13-foot embankment, crashed through a chain link perimeter fence of Agana Naval Air Station, slid across a highway, struck a moving automobile and burst into flames. The aircraft came to rest in a vacant area that was surrounded by six houses. The driver of the automobile, 12 crewmembers, and 33 passengers aboard the aircraft were killed. A woman and her young son, who were standing outside their residence just south of the impact site, were seriously injured by the intense heat and flying debris when the aircraft's fuel exploded.

The Safety Board has determined that the probable cause of this accident was the loss of climb capability after the crew retracted the flaps at too low an altitude to clear the rising terrain. The flaps were retracted after the No. 3 propeller feathered as the aircraft lifted off the runway. Contributing to the accident was the captain's decision to continue the takeoff after an engine failed before reaching the rotation speed.

The Safety Board did not issue any safety recommendations as a result of this accident.

Railroad Accident Reports, Brief Format, Issue Number 2, 1976; Report No. NTSB–RAB–77–1.—The Safety Board last week made available its second compilation of brief reports on U.S. railroad accidents which occurred last year. This volume of brief-format findings of cause incorporates 119 railroad cases which involved a fatality, substantial property damage, or a passenger train accident.

The accidents reported in Issue Number 2 are arranged in chronological order. Selected accident information is tabulated, including (1) types of accidents broken down by carriers, (2) casualties broken down by types of accidents and classes of persons, and (3) causal factors arranged categorically and broken down by types of accidents.

NOTE.—The brief reports of accidents in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, $1.50 per page for black-and-white photographs, and $4.00 per page for color photographs, plus postage. Minimum reproduction charge is $1.00; an additional $4.00 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Copies of Issue Number 2 may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Highway Safety Recommendations Nos. H–77–20 through 24.—At 4:45 a.m., on October 16, 1976, a station wagon traveling west on Interstate 70 near Byers, Colorado, ran off the left side of the roadway, at an angle of 5 degrees, 303 feet east of a bridge structure onto a relatively flat median. In leaving the roadway, the vehicle missed the 100-foot tangent section of the bridge approach guardrail. The vehicle traveled 310 feet in back of the guardrail on the median to the top of a sloped embankment wall between twin bridge structures, then vaulted into the air for 62 feet before hitting the opposite embankment. After impact, the vehicle moved 20 feet up the embankment before sliding back to the toe of the slope. A fire ensued; the vehicle was completely destroyed. Nine of the 10 occupants were killed on impact or died as a result of injuries.

The Safety Board notes that during the 5-year period preceding September 1, 1976, four similar accidents occurred at this location, resulting in three deaths. Including this accident, 12 people have died in less than 5 years as a result of errant vehicles entering the median, driving behind the guardrail, and plunging over the embankment between these twin bridges.

Investigation revealed that the bridge approach guardrail was extended from 25 feet to 100 feet by State maintenance forces during July 1975. While this extension was an improvement over the 25-foot section, it did not conform with the State's 1968 standard M–606–AB for guardrails at bridge approaches. This standard calls for 200 feet of guardrail of which 50 feet is tangent, 75 feet is flared, and 75 feet is curved to an anchorage beyond the centerline of the median.

The Board acknowledges that updating standards, disseminating revised standards, and modifying existing barrier systems is costly. However, the cost can be justified by the elimination of deaths, personal injury, and property damage resulting from accidents. Interstate construction funds can be used for these types of safety improvements.

As a result of its investigation, and to prevent similar accidents, the Safety Board on October 31 issued the following recommendations:

TO THE FEDERAL HIGHWAY ADMINISTRATION

Monitor the efforts of the Colorado State Department of Highways to eliminate guardrail hazards on its interstate system and insure that necessary corrective action is accomplished expeditiously. (H–77–20)

Insure that all State highway departments are using current Federal Highway Administration and American Association of State Highway and Transportation Officials guidelines for barriers installed at bridge approaches, and insure that the departments periodically inform and instruct their maintenance forces about changes to these guidelines. (H–77–21)

Inform the States of the Federal aid programs that are available for guardrail improvements and urge that the funds from these programs be used to correct nonconforming installations. (H–77–22)

TO THE COLORADO STATE DEPARTMENT OF HIGHWAYS, IN COOPERATION WITH THE FEDERAL HIGHWAY ADMINISTRATION

Expedite the review of State guardrail standards and the implementation of recommended changes. (H–77–23)

Make the necessary commitment of Federal or State funds for shielding the openings between twin bridge structures on the State's interstate system. (H–77–24)

Each of the above five safety recommendations is designated "Class II, Priority Followup."

Intermodal Transportation Safety Recommendations Nos. I–77–2 and 3.—To reduce the risk of exposure to radioactive materials spills in transportation accidents, the Safety Board on November 1 recommended that the Secretary of Transportation, with the assistance of appropriate Federal and State agencies—

Develop and disseminate guidelines for emergency response procedures in transportation accidents involving radioactive materials that will coordinate onscene leadership during all stages of the emergency and identify the responsibilities of the responding Federal, State, and local agencies in reducing injury and damage in such emergencies. (I–77–2)

Establish procedures to minimize the time required to identify radiation dangers at accident sites when radioactive materials are involved. (I–77–3)

These Class II recommendations followed investigation of the derailment last March 31 of 29 cars of a Seaboard Coast Line train in a rural area near Rockingham, North Carolina. Two derailed flatcars were each carrying two 4,000-gallon steel cylinders containing radioactive uranium hexafluoride. All cylinders broke away from the flatcars during the derailment and were scattered among the wreckage. The derailment also triggered a fire involving a carload of ammonium nitrate. One person was injured as a result of the accident, and property damage was estimated to be $750,000.

The Safety Board's investigation revealed that more than 3 hours elapsed before the radioactive material containers were located and checked for contamination of the area where police, firemen, and railroad wrecking crews were working. The lack of a quicker response to this radioactive accident clearly demonstrates that an emergency procedure to alleviate this problem is needed; none is presently available.

Investigation further revealed that no single authority directed or coordinated the handling of the emergency, that communications among the personnel at the scene were ineffective, and that there were serious delays in evaluating the radiation hazard. At least 17 Federal, State, local, and private agencies responded to the emergency; until Army personnel realized the possibility of radi-

ation danger, each agency operated relatively independent of the others. In their postaccident reports, both Federal and State agencies acknowledged this command and coordination problem. They also reported that communications in and out of the accident scene were inadequate.

Response from the National Highway Traffic Safety Administration to Highway Safety Recommendations H–72–51 through 53, H–75–8, and H–75–34.—October 21 letter reports on the NTSB/NHTSA quarterly meeting held August 12, 1977. Discussed at that meeting were Safety Board reports Nos. HSS–72–4 (Special Study on Reduced-Visibility [Fog] Accidents on Limited-Access Highways), HAR–75–2 (Highway Accident Report on Series of Multivehicle Collisions and Fires Under Limited Visibility Conditions, New Jersey Turnpike, Gate 15 and U.S. Route 46, October 23 and 24, 1973), and HAR–75–7 (Highway Accident Report on Multiple-Vehicle Collisions in Fog, near Corona, California, February 28, 1975).

Also discussed at the meeting were some of the resulting NHTSA activities addressing certain recommendations issued in conjunction with the above reports. These recommendations directed NHTSA to initiate action to promote greater safety among motorists through driver education programs and police traffic services in reduced visibility situations. The correspondence focuses on NHTSA's overall activities which relate to the reduced visibility problem.

NHTSA reports that it has distributed the Board's Special Study to every State Driver Education supervisor, together with a request that the information be incorporated into the State's driver education programs. NHTSA has also developed a model safe performance driver education curriculum (SPC) containing a section on limited visibility driving. SPC materials have provided the basis for a currently popular high school driver education textbook, "Safe Performance Driving," published by Ginn and Company, and these materials are used in a large scale demonstration project to determine the crash reduction potential of driver education.

NHTSA has also approached the driver education community at its most recent annual meetings to provide additional instruction on the hazards of reduced visibility driving. Also an article entitled "A 'Crying' Need For Fog Highway Safety Education," prepared by NHTSA, was published in the "Journal of Traffic Safety Education" to which members of the American Driver and Traffic Safety Education Association subscribe. A copy of this article is attached to NHTSA's letter.

Also, NHTSA has agreed to *consider* including reduced visibility driving information in the National Highway Safety Program Standard, "Driver Education" when it is revised. NHTSA stated that this consideration will take into account the totality of factors contributing to highway crashes. Decisions to include or exclude a particular factor will depend on both its relative contribution to crashes and its amenability to education.

NHTSA notes that Congress is now reviewing the adequacy and appropriateness of existing standards. No modification of standards will be made until Congress determines what if any standards will be retained.

With reference to recommendations H–72–56 and H–75–36, which are concerned with developing and implementing police escort services for limited visibility conditions, NHTSA reports that it has sponsored a study entitled "Reduced Visibility Practices and Procedures of State Law Enforcement Agencies." NHTSA says that the information brought to light by this study is quite minimal; the most important points are: (1) The lack of definitions, procedures, and equipment by which the existence of reduced visibility conditions can be determined; (2) the lack of standardized police accident investigation and enforcement countermeasures; and (3) the significance of reduced visibility crash experience cannot now be determined with acceptable accuracy. A copy of the study is attached to NHTSA's letter.

NHTSA notes that only 9 of the 43 surveyed State enforcement agencies reported that reduced visibility collisions were significant when considering the State's total crash experience.

The unpredictability and variability in fog density characteristics and the problem of limited manpower make effective planning difficult for most enforcement agencies, NHTSA said. Fog conditions can exist simultaneously in many sections of the States' Interstate Highway System and State Police Agencies often do not have sufficient personnel and equipment to provide escort services in fog to the major areas requiring the service. This limited manpower problem is magnified as distances from metropolitan areas increase.

In addition to efforts in driver education and enforcement areas, NHTSA, through its National Center for Statistics and Analysis, has attempted to determine the seriousness of the reduced visibility factor, as reflected in the National Fatal Accident Reporting file.

Based on State-by-State tabulations, fog, smoke, blowing sand or dust were involved in 1.8 percent of the fatal accidents for 1975 and 1976. Copies of the tabulations are attached to NHTSA's letter.

NOTE.—The above summarizes Safety Board documents made available, and a recommendation response letter received, during the preceding week.

Single copies of the Board's safety recommendation letters 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 for service and 10 cents per page for reproduction.

Copies of the complete accident report No. NTSB–PAR–77–3 cannot be printed for several weeks. Notice will be given in the FEDERAL REGISTER when the report is available.

Copies of NTSB–AAR–77–5 and NTSB–AAR–77–6 are now available. Single copies may be obtained from the Safety Board without charge; multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

All requests to the Board 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. Address requests 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.

NOVEMBER 7, 1977.

[FR Doc.77–32675 Filed 11–9–77;8:45 am]

[7555–02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Executive Office of the President

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: December 5 and 6, 1977.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500 (Dec. 5) and Room 1E801, The Pentagon, Washington, D.C. (Dec. 6).

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. Willam P. Raney, Executve Office of the Presdent, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202–395–3934. Persons wishing to attend Dec. 6 portion of the meeting should contact Dr. Raney with full name by COB, November 30, 1977.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9 a.m. to 4 p.m. Planning meeting to discuss detailed objectives of

the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-32662 Filed 11-9-77;8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-7/311

FINE ARTS COMMITTEE

Meeting

The Fine Arts Committee of the Department of State will hold its Fall meeting on Thursday, December 15, 1977, at 2 p.m. in the John Quincy Adams State Drawing Room. At the conclusion of the meeting, the Finance Committee of the Fine Arts Committee will meet for approximately one-half hour.

The agenda for the full committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in May, the announcement of all gifts and loans during calendar year 1977, as well as a report on the status of the architectural improvements in the Entrance Hall and Lounges of the Diplomatic Reception Rooms. The agenda for the Finance Committee will be a discussion of the proposed fund raising dinner to be held next Spring.

The meetings are open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of State Department security requirements, anyone wishing to attend the meeting should telephone the Fine Arts Office by Monday, December 12, 1977, telephone 202-632-0298 to make arrangements to enter the building.

Dated: November 3, 1977.

CLEMENT E. CONGER,
Chairman,
Fine Arts Committee.

[FR Doc.77-32610 Filed 11-9-77;8:45 am]

[8120-01]

TENNESSEE VALLEY AUTHORITY

GAS HILLS URANIUM MINING PROJECT—CENTRAL WYOMING

Negative Determination

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500 (1975)), and the Tennessee Valley Authority's Procedures for Environmental Planning and Assessment (39 FR 5671-75 (1974)), the Tennessee Valley Authority (TVA) hereby gives notice that it has determined that its participation in mining and reclamation on certain uranium properties held jointly by TVA and private mining interests north of Beaver Rim within the Gas Hills Uranium Mining District of Central Wyoming, does not constitute a "major Federal action significantly affecting the quality of the human environment" and that an environmental impact statement is not necessary for this proposed action.

Mining of these Gas Hills reserves is expected to produce a minimum of 3.8 million kilograms (8.4 million pounds) of uranium oxide (U_3O_8). This uranium would provide a significant portion of TVA's uranium requirements in the late 1970's and early 1980's. It is anticipated that approximately 450 acres will be temporarily disturbed during the mining operation.

The actual mining and reclamation will be done by private mining contractor under contract with TVA and will be conducted in accordance with all applicable Federal, state, and local mining and reclamation laws and regulations. Much of the mining will be a continuation of existing pits which have been partially mined with little or no reclamation. Uranium mining and milling has been underway in the Gas Hills area of Wyoming for more than 20 years and is presently the predominant land use in the project area. The proposed mining is compatible with past, existing, and proposed land use in the area.

TVA has prepared an environmental assessment evaluating the potential environmental impacts related to this proposal and identifying measures to minimize environmental effects. This assessment considers effects on land use, surface and ground water, flora, and fauna; socioeconomic aspects; and historical, archaeological, cultural, and recreational resources. TVA's environmental review has identified no significant environmental impacts which would occur from the proposed mining when conducted under the guidelines, mining plans, and reclamation plans provided in the environmental assessment.

The proposed action has been coordinated with Federal and state agencies having jurisdiction or expertise in the various environmental, economic, cultural, and planning areas which might be affected.

TVA's environmental assessment is available for inspection and review during regular working hours at the following locations:

Tennessee Valley Authority, Information Office, 400 Commerce Avenue (E12A4), Knoxville, Tenn. 37902.

Tennessee Valley Authority, 437 Woodward Building, 1426 H Street NW., Washington, D.C. 20444.

Tennessee Valley Authority, 314 Intermountain Building, 312 North Wolcott, Casper, Wyo. 82602.

Copies of TVA's environmental assessment are available and can be obtained by writing TVA's Information Office at the above address. Any questions or comments concerning this proposal should be directed to:

Dr. Peter A. Krenkel, Director of Environmental Planning, 268 401 Building, Chattanooga, Tenn. 37401.

Dated: September 22, 1977.

LYNN SEEBER,
General Manager.

[FR Doc.77-32596 Filed 11-9-77;8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

ALLIED CHEMICAL CO., ET AL.

Exemption Applications

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have been seperated from the new applications for exemptions to facilitate processing.

DATE: Comments by November 28, 1977.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
2805-X	Allied Chemical Co., Morristown, N.J.	2805
2805-X	Great Lakes Chemical Corp., El Dorado, Ark.	2805
2805-X	Mobil Chemical Co., Beaumont, Tex.	2805
2805-X	SunOlin Chemical Co., Claymont, Del.	2805
3415-X	U.S. Department of Defense, Washington, D.C.	3415
3600-X	U.S. Department of Defense, Washington, D.C.	3600
3744-X	Ashland Chemical Co., Columbus, Ohio.	3744
4007-X	Matson Navigation Co., San Francisco, Calif.	4007
4041-X	Hercules Inc., Wilmington, Del.	4041
4282-X	Hercules Inc., Wilmington, Del.	4282
4390-X	G. Frederick Smith Chemical Co., Columbus, Ohio.	4390
4988-X	Advanced Instruments Inc., Needham Heights, Mass.	4988
5112-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	5112
5179-X	Union Carbide Corp., Tarrytown, N.Y.	5179
5456-X	J. T. Baker Chemical Co., Phillipsburg, N.J.	5456
5456-X	Fisher Scientific Co., Fair Lawn, N.J.	5456
5485-X	Union Carbide Corp., Tarrytown, N.Y.	5485
5526-X	MCB Manufacturing Chemists, Norwood, Ohio.	5526

Application No.	Applicant	Renewal of special permit or exemption
5600-X	Amoco Oil Co., Whiting, Ind.	5600
5600-X	Atlantic Richfield Co., Houston, Tex.	5600
5717-X	U.S. Department of Defense, Washington, D.C.	5717
5746-X	U.S. Department of Defense, Washington, D.C.	5746
5777-X	U.S. Department of Defense, Washington, D.C.	5777
5945-X	Air Products and Chemicals Inc., Allentown, Pa.	5945
5967-X	Rocket Research Corp., Redmond, Wash.	5967
6007-X	Nuclear Products Co., El Monte, Calif.	6007
6092-X	MCB Manufacturing Chemists, Norwood, Ohio.	6092
6092-X	Fisher Scientific Co., Fair Lawn, N.J.	6092
6122-X	Lucidol division, Pennwalt Corp., Buffalo, N.Y.	6122
6145-X	G. Frederick Smith Chemical Co., Columbus, Ohio.	6145
6234-X	Pennwalt Corp., Philadelphia, Pa.	6234
6243-X	Liquid Carbonic Corp., Chicago, Ill.	6243
6253-X	Bacardi International Ltd., Hamilton, Bermuda.	6253
6253-X	Contrans, Hamburg, West Germany.	6253
6253-X	Johnson Sean Star, San Francisco, Calif.	6253
6253-X	Interpool, New York, N.Y.	6253
6267-X	Coastal Industries, Inc., Carlstadt, N.J.	6267
6267-X	Bio-Lab, Conyers, Ga.	6267
6267-X	Georgia-Pacific Corp., Montebello, Calif.	6267
6267-X	Tesco Inc., Marietta, Ga.	6267
6427-X	MCB Manufacturing Chemists, Norwood, Ohio.	6427
6477-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	6477
6523-X	FMC Corp., Philadelphia, Pa.	6523
6682-X	Foote Mineral Co., Exton, Pa.	6682
6685-X	U.S. Department of Defense, Washington, D.C.	6685
6686-X	Chilton Metal Products Div., Chilton, Wis.	6686
6691-X	Union Carbide Corp., Tarrytown, N.Y.	6691
6738-X	Texas Eastman Co., Longview, Tex.	6738
6749-X	Airwick Industries, Inc., Teterboro, N.J.	6749
6749-X	Georgia-Pacific Corp., Montebello, Calif.	6749
6757-X	FMC Corp., Philadelphia, Pa.	6757
6759-X	Atlas Powder Co., Dallas, Tex.	6759
6816-X	U.S. Department of Defense, Washington, D.C.	6816
6843-X	Stauffer Chemical Co., Westport, Conn.	6843
6874-X	ICI United States Inc., Wilmington, Del.	6874
6971-X	Chem Service, Inc., West Chester Pa.	6971
6986-X	K. & M. Rubber Co., Elk Grove Village, Ill.	6986
7010-X	Solchem Inc., New York, N.Y.	7010
7011-X	Advance Chemical Technology, City of Industry, Calif.	7011
7035-X	Owens-Illinois, Toledo, Ohio	7035
7036-X	McDonnell Doublas Astronautics Co., Huntington Beach, Calif.	7036
7094-X	Tennessee Eastman Co., Kingsport, Tenn.	7094
7189-X	Chugiak Aviation, Chugiak, Alaska.	7189
7253-X	Lithium Corp. of America, Bessema City, N.C.	7253
7253-X	Foote Mineral Co., Exton, Pa.	7253
7260-X	E. I. du Pont de Nemours & Co., Wilmington, Del.	7260
7274-X	Union Carbide Corp., Tarrytown, N.Y.	7274
7405-X	Sigma Checmial Co., St. Louis, Mo.	7405
7494-X	Airco Cryoplants, Murray Hill, N.J.	7949
7650-X	I.C.I. United States, Inc., Wilmington, Del.	7650
7708-X	HTL Advanced Technology, Monrovia, Calif.	7708
7720-X	Williams, Dimond & Co., San Francisco, Calif.	7720
7724-X	Colorado River Municipal Water District, Big Springs, Tex.	7724
7782-X	Eastman Kodak Co., Rochester, N.Y.	7702
7802-X	Bennett Industries, Pacoima, Calif.	7802

Application No.	Applicant	Renewal of special permit or exemption
970-P	Liquid Carbonic Corp., Chicago, Ill.	970
3307-P	Explosives Products of Louisville, Inc., Louisville, Ky.	3307
3307-P	Strawn Explosives, Inc., Dallas, Tex.	3307
3307-P	Harrison Explosives, Inc., Duanesburg, N.Y.	3307
3307-P	Mountain State Bit Service, Inc., Morgantown, West Va.	3307
3307-P	W. H. Burt Explosives, Inc., Moab, Utah.	3307
3307-P	W. A. Murphy, Inc., El Monte, Calif.	3307
3307-P	Ohio Dynamite Co., Inc., Upper Sandusky, Ohio.	3307
3307-P	Pacific Powder Pipe and Supply Inc., Olympia, Wash.	3307
3307-P	Seco, Inc., Fort Smith, Ark.	3307
3307-P	Lilly Ice and Bottling Works, Inc., Pemberton, W. Va.	3307
3353-P	Pennwalt Corp., Philadelphia, Pa.	3353
4108-P	Welding and Cutting Equipment Co., Newark, N.J.	4108
4248-P	Hi-Pure Chemical Co., Nazareth, Pa.	4248
4248-P	Fisher Scientific Co., Pittsburgh, Pa.	4248
5615-P	Ashland Chemical Co., Columbus, Ohio.	5615
5951-P	Vulcan Materials Co., Birmingham, Ala.	5951
6039-P	Rohm and Haas Co., Philadelphia, Pa.	6039
6253-P	Brostrom Shipping Co., Ltd., Gothenburg, Sweden.	6253
6554-P	Georgia-Pacific Corp., Montebello, Calif.	6554
6749-P	Georgia-Pacific Corp., Montebello, Calif.	6749
7409-P	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7409
7792-P	Witco Chemical Corp., New York, N.Y.	7792

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on November 3, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-32521 Filed 11-9-77;8:45 am]

[4910-60]

UNION CARBIDE CORP., ET AL.

Exemption Applications

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATE: Comments by December 20, 1977.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application No.	Applicant	Regulation(s) affected	Nature of application
7846-N	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302	To authorize shipment of nonflammable gases in skid mounted DOT 107A cylinders (mode 1).
7849-N	Ryan Industries Inc., Louisville, Ky.	49 CFR 173.315	To authorize shipment of pressurized liquid oxygen, nitrogen, and argon at 250 psig design in non-DOT stainless steel cargo tank (mode 1).
7850-N	Suttons International Ltd., London, England.	49 CFR pt. 173, Subpts D, E, F, and H.	To authorize shipment of IMCO class 2 commodities in non-DOT specification portable tanks (modes 1, 2, 3).
7851-N	Ethyl Corp., Baton Rouge, La.	49 CFR 173.34(e)	To authorize use of DOT 4BA240 cylinders which are overdue for retest for a 1-time shipment of aluminum alkyls (mode 1).
7852-N	Minnesota Valley Engineering New Prague, Minn.	49 CFR 173.315	To authorize shipment of argon, nitrogen, oxygen, and pressurized liquids in non-DOT portable tanks built to the ASME boiler and pressure vessel code (mode 1).
7853-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.127, 173.184.	To authorize shipment of nitrocellulose wet with not less than 30 pct alcohol or with not less than 20 pct water in non-DOT fiberboard drums with either polyethylene liner or bag (modes 1, 3).
7845-N	Pocono Airlines Inc., Avoca, Pa.	49 CFR 175.75, 177.842(a).	To authorize an unlimited transport index limit for the transportation of radioactive pharmaceuticals (modes 1, 4, 5).
7855-N	Tri-State Industrial Laundries, Inc., Utica, N.Y.	49 CFR 173.398	To authorize shipment of radioactive contaminated protective clothing in steel portable bins with 4,000-lb capacity (mode 1).
7856-N	Olin Corp., East Alton, Ill.	49 CFR 173.00	To authorize shipment of black powder in DOT-21C fiberboard drums, net weight not over 25 lb (mode 1).
7857-N	W. P. Butterfield (Engineers) Ltd., Shipley, England.	49 CFR 173.119	To authorize shipment of mono-, di-, and trimethylamines in non-DOT portable tanks (modes 1, 2, 3).
7858-N	Degussa Inc., Frankfurt, Germany.	49 CFR 173.119	To authorize shipment of methyl methacrylate monomer, inhibited in non-DOT IMCO type I portable tanks (modes 1, 2, 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
7859-N	....do....	49 CFR 173.263, 173.266, 173.346.	To authorize shipment of certain corrosive liquids and poisonous liquids class B in non-DOT IMCO type 1 portable tanks (modes 1, 2, 3).
7860-N	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.302, 173.303, 173.304, 175.3.	To authorize shipment of flammable and non-flammable gases in glass flasks overpacked in single wall corrugated fiberboard boxes (modes 1, 4, 5).
7862-N	General Electric Co., Milwaukee, Wis.	49 CFR 173.302, 173.305, 175.3.	To authorize shipment of xenon gas in a detector separately or as part of a body scanner (modes 1, 4, 5).
7863-N	Paragon Molding Co., Melrose Park, Ill.	49 CFR pt. 173, subpt. F.	To authorize shipment of those corrosive liquids for which the DOT 34 container is authorized, except hydrogen peroxide, in removable head polyethylene paidls (modes 1, 2, 3).
7864-N	Mine Safety Appliances Co., Pittsburgh, Pa.	49 CFR 173.202(a)	To authorize shipment of sodium and potassium metallic liquid alloy in DOT 4BW cylinders (modes 1, 2, 3).
7865-N	Applied Equipment Co., Van Nuys, Calif.	49 CFR 173.302, 175.3.	To authorize shipment of nitrogen in a non-DOT cylinder overpacked in a fiberboard container (modes 1, 2, 3).
7866-N	The Lea Manufacturing Co., Waterbury, Conn.	49 CFR 172.400 173.1200(a)(7).	To authorize shipment of certain class B poisons in containers of over 8-oz capacity as ORM-D items (mode 1).
7867-N	A. O. Smith Inland Inc., Little Rock, Ark.	49 CFR 173.21, 175.3.	To authorize shipment of a heatpack kit which contains 2 components which, when mixed, evolve heat (modes 1, 2, 3, 4, 5).
7868-N	Virginia Chemicals Inc., Portsmouth, Va.	49 CFR 173.119(m)	To authorize shipment of certain amines which are flammable and corrosive liquids in DOT MC-303 tank trucks (mode 1).
7869-N	Oxy Metals Industries Corp., Morenci, Mich.	49 CFR 173.245	To authorize shipment of rust preventing compounds, in DOT-57 portable tanks (mode 1).
7870-N	Explogiochi SpA, Florence, Italy.	49 CFR 173.100(p)	To authorize shipment of toy caps in inner composite blister packages with plastic cover 0.005 in thick overpacked in a non-DOT fiberboard box (modes 1, 2).
7871-N	Atlas Powder Co., Miami, Fla.	49 CFR 176.155(a)(4)	To waive the ten foot separation distance between steel portable magazines containing blasting caps and other hazardous materials (mode 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on November 3, 1977.

J. R. GROTHE,
Chief Exemptions Branch,
Office of Hazardous Materials Operations.

[FR Doc.77-32520 Filed 11-9-77;8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held November 29, 30 and December 1, 1977 in Washington, D.C.

The agenda for this meeting is as follows:

On November 29, from 8:45 a.m. to 10:30 a.m. the full Committee will meet in a General Session in room 2230 of the DOT Headquarters Building for orientation of new members and to hear an overview of the study of the causes of traffic accidents.

On November 29, from 11:00 a.m. to 1:00 p.m. the Adjudication and Alcohol Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a report on Indian tribal adjudication of alcohol-related traffic offenses, a progress report on NHTSA and NIAAA interagency agreement on judicial education, and old or new business.

On November 29, from 2:00 p.m. to 4:00 p.m. the Driver Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear the status of the Committee recommendation on National Driver Register, a discussion of the current legislation on the NDR, and old or new business.

On November 30, from 9:00 a.m. to 12:00 noon the Vehicle Subcommittee will meet in room 2230 of the DOT Headquarters Building to discuss mopeds—review current subcommittee work on visibility, driver licensing requirements, registration, and intermix of mopeds and other vehicles; day time use of motorcycle headlights, and old or new business.

At 1:00 p.m. to 4:00 p.m. on November 30 the Highway Environment Subcommittee will meet in room 2230 of the DOT Headquarters Building to hear a briefing on the Highway Environment Subcommittee's 1975-77 report, a discussion on the subcommittee's future agenda items, a briefing on geometric design for resurfacing, restoration, and rehabilitation of highways and streets, discussion of the subcommittee's outstanding resolutions, and old or new business.

On December 1, from 9:00 a.m. to 1:00 p.m. in room 6332 of the DOT Headquarters Building the full Committee will meet to swear in new members, to hear a briefing on evaluation of the Highway Safety Standards and related program management, the status and future plans on the 55 MPH national speed limit, and ports of subcommittee chairmen, and old or new business.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT official.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202-426-2872.

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

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-32665 Filed 11-9-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-No. 4)]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ABANDONMENT BETWEEN RICHMOND AND B. C. JUNCTION, MO.

Correction

NOVEMBER 4, 1977.

Our findings in this proceeding were originally published on March 17, 1977, at 42 FR 14973 (1977); however at that time the proceeding was not administratively final. Now, however, the proceeding has become administratively final. Therefore, the prior published notice is rescinded and 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 December 29, 1976, a finding, which is administratively final was made by the Commission, Review Board No. 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 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Atchison, Topeka & Santa Fe Railway Co. of a portion of its branch line of railroad from railroad milepost 5+3168 at Richmond, Mo., to railroad milepost 65+1341 at B. C. Junction, Mo., a total distance of approximately 59.65 miles in Buchanan, Clay, Clinton, and Ray Counties, Mo. A certificate of abandonment will be issued to the Atchison, Topeka & Santa Fe Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such

line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a biding 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.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32623 Filed 11-9-77;8:45 am]

[Order No. 36698]

DEPARTMENT OF DEFENSE PETITION FOR DECLARATORY ORDER PRELODGING SHIPPING DOCUMENTS

On September 21, 1977, the Department of Defense (DOD) filed a petition for a declaratory order concerning predelivery or prelodging of shipping documents. The petition raises the issue of whether prelodging of shipping documents in connection with prearranged scheduling is a special service for which a separate charge may be imposed, or is a natural part of prearranged scheduling to be performed without additional charge.

Presently, tariffs applicable on DOD's shipments through ocean terminals on the west coast authorize no charges for prelodging shipping documents. In contrast, tariffs applicable on DOD's shipments to the east and gulf coast terminals authorize varying charges. The issue raised by DOD's petition was also raised in Ex Parte No. MC 88, *Detention of Motor Vehicles—Nationwide,* 126 M.C.C. 803, 814–15 (1977). In the report on reconsideration, the Commission stated that it would entertain petitions for a declaratory order on that issue.

A controversy or uncertainty exists which warrants entry by the Commission of a declaratory order.

It is ordered, Pursuant to section 554 (e) of the Administrative Procedure Act, 5 U.S.C. § 554(e), the petition is granted to the extent of instituting this proceeding to determine the issue raised by the petition.

This proceeding will be handled under the modified procedure, following rules 43 to 65 of the Commission's General Rules of Practice, 49 CFR 1100.43–65. Filing and service of pleadings shall follow this schedule:

(a) Opening statement of facts and argument by petitioner and any parties supporting petitioner on or before 20 days from the service date of this order;

(b) 30 days after that date, statement of facts and argument by any party in opposition; and

(c) Reply by petitioner and any supporting parties 20 days thereafter.

A copy of this order shall be given to the public by delivering it to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Decided: November 2, 1977.

By the Commission, Commissioner Murphy.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32625 Filed 11-9-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATION(S) FOR RELIEF

NOVEMBER 7, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43457—*Residual Fuel Oil to Broeker, Minnesota.* Filed by Western Trunk Line Committee, Agent (No. A-2742), for interested rail carriers. Rates on residual fuel oil, in tank-car loads, as described in the application, from Cody, Wyo., to Burlington Northern, Inc., station in Minnesota, viz.: Broeker.

Grounds for relief—Market competition.

Tariff—Supplement 157 to Western Trunk Line Committee, Agent, tariff 473, I.C.C. No. A-4572. Rates are published to become effective on December 3, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32624 Filed 11-9-77;8:45 am]

[7035-01]

MODIFICATION OF PROCEDURE FOR CHANGING NAMES OF CARRIERS AND SHIPPERS IN OPERATING RIGHTS

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of prior notice.

SUMMARY: The Commission on September 6, 1977, modified its procedures through which changes in carriers' and shippers' names in operating rights are

effected. The prior notice published in the FEDERAL REGISTER failed to clarify that requests for changes in shippers' names in a certificate, permit, or license must be accompanied by a letter (an original and one copy) explaining fully the circumstances and reasons for such requests from the shipper and the carrier.

DATES: The change in procedures became effective on October 1, 1977. This clarification is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7292.

SUPPLEMENTARY INFORMATION: On October 1, 1977, the procedure described below became effective. This procedure simplifies the method for carrier or shipper name changes in certificates, permits, or licenses. Notice of this change was published in 42 Fed. Reg. 45730. Since the original notice did not fully explain that shippers' name change requests must be accompanied by a letter from the shipper, as well as from the carrier, clarifying language has been added to the original description of the new procedures.

(1) Requests for changes in carriers' or shippers' names in certificates, permits, or licenses must be accompanied by a letter (an original and one copy) explaining fully the circumstances and reasons for such requests. Where a shipper's name is sought to be changed, both the carrier and the shipper must submit letters. The letter requests need not be verified or notarized.

(2) Filing fees will be waived for changes sought in administratively final proceedings.

(3) Requests will be examined by the Office of Proceedings, which will either issue a modified certificate, permit, or license, or, if the requested change is unacceptable, will inform the person requesting the change by letter of the reason for its unacceptability.

The foregoing procedure became effective on October 1, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32767 Filed 11-9-77;8:45 am]

[7035-01]

[Order No. 36669]

PENN CENTRAL TRANSPORTATION CO. ET AL.—PETITION FOR DECLARATORY ORDER—TARIFF INTERPRETATION

Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees of the property of Penn Central Transportation Co., Debtor (collectively, Penn Central) filed on August 18, 1977, a petition for a declaratory order.

The petition seeks an answer to the applicability and reasonableness of charges assessed pursuant to TL-CTR Tariff 773, ICC C-756 and supplements, on shipments of iron and steel (Keystone) billets moving from the plant of Keystone Consolidated Industries in Peoria, Ill., to a plant in Aliquippa, Pa., between August 1, 1974, and April 30, 1975.

With respect to this controversy an action was filed in the United States District Court for the Southern District of Illinois (Northern Division), in which an order of Reference to Interstate Commerce Commission was entered June 2, 1977. That action is stayed until further order of the Court.

Penn Central requests that the case be set for handling under the modified procedure.

It is ordered:

1. Pursuant to section 5(e) of the Administrative Procedure Act, 5 U.S.C. § 554(e), and in the exercise of the Commission's sound discretion thereunder, this petition for a declaratory order be, and it is hereby granted and docketed as set forth above.

2. This proceeding is instituted to determine the applicability of the charges assessed, and if applicable, their reasonableness.

3. Since this matter appears to be susceptible of handling, as requested, under the modified procedure, pursuant to Rule 43 to 52 of the Commission's General Rules of Practice, 49 CFR § 1100.43-52, the filing and service of pleadings shall be as follows: (a) opening statement of facts and argument by petitioner and any parties supporting petitioner on or before 20 days from the date of service of this order; (b) 30 days after that date, statement of facts and argument by any party in opposition; and (c) 20 days thereafter, replies by petitioner and any supporting parties.

4. A copy of this order shall be served upon the petitioner and a copy shall be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and a copy of this order shall be given to the public by delivery thereof to the Director, Office of the Federal Register for publication therein.

Decided November 2, 1977.

By the Commission, Commissioner Murphy.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32626 Filed 11-9-77;8:45 am]

[7035-01]

[Volume No. 42]

NOVEMBER 4, 1977.

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATIONS, 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 128988 (Sub-Nos. 4 and 14) M1 (Notice of filing to modify permits) filed August 18, 1977. Petitioner: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Petitioner's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds motor *contract carrier* Permits in MC 128988 (Sub-Nos. 4 and 14), issued February 12, 1971, and June 27, 1972, respectively, authorizing transportation, over irregular routes, in No. MC 128988 (Sub-No. 4) of (1) *heating and air conditioning units*, from the plantsites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above-named commodities, from points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, to the plantsites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif. Restrictions: The operations authorized herein are subject to the following conditions: (1) Said operations are restricted against the transportation of those commodities which because of their size or weight require the use of special equipment; and (2) said operations are limited to a transportation service to be performed, under a continuing contract, or contracts with Fraser & Johnston Co., of San Lorenzo, Calif.; and in No. MC 128988 (Sub-No. 14) of *heating and air conditioning units*, from the plantsite and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Da-

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

kota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the above-named commodities, from the above-named destination points, to the plantsite and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif. Restrictions: The service authorized herein is subject to the following conditions: (1) The authority granted herein is restricted against the transportation of commodities in bulk and those commodities which because of their size or weight require the use of special equipment; and (2) the operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Fraser & Johnston Co., of San Lorenzo, Calif. By the instant petition, petitioner seeks to modify its Permits in No. MC 128988 (Sub-Nos. 4 and 14), by substituting in part (1) the plantsites and warehouse facilities of Fraser and Johnston Co., at Emeryville, Calif., in lieu of San Lorenzo, Calif., as an origin point; and in part (2) by substituting Emeryville, and Hayward, Calif., as the plantsites and warehouse facilities location of Fraser & Johnston Co. as a destination point; and in part (2) of the restriction, said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Fraser & Johnston Co., of Hayward, Calif.

No. MC 135482 (Sub-No. 1) M1 (notice of filing of petition to add a commodity) filed August 29, 1977. Petitioner: CEMENT TRANSPORT, LTD., P.O. Box 615, Valley City, N. Dak. 58072. Petitioner's representative: Gene P. Johnson, 425 Gate City Building, P.O. Box 2471, Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* Permit in No. MC 135482 (Sub-No. 1), issued January 10, 1977, authorizing transportation over irregular routes of (1) *Cement* in bags, from Duluth, Minn., to points in North Dakota; (2) *cement*, in bulk (except in tank vehicles) from Duluth, Minn., to Bismark and Valley City, N. Dak.; and (3) *cement*, from Rapid City, S. Dak., Minneapolis, Minn., and ports of entry on the United States-Canada boundary line located in North Dakota, to points in North Dakota. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Beyer's Cement, Inc., of Valley City, N. Dak.

By the instant petition, petitioner seeks to add *lime* in (1) above as an additional commodity.

No. MC 140484 (Sub-No. 5) M1 (notice of filing of petition to add commodity description), filed September 21, 1977. Petitioner: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Meyers, Fla. 33901. Petitioner's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. Petitioner holds a motor *common carrier* Certificate in No. MC 140484 (Sub-No. 5), issued June 14, 1977, authorizing transportation, as pertinent, of *Electric motors, electric welders,* and *parts and accessories* for electric motors and electric welders, welding supplies, and hand truck parts (except commodities which because of their size or weight require the use of special equipment), from the facilities of Reliance Electric Co., at or near Cleveland, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Texas, North Dakota, and South Dakota, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks to add to the commodity description "controller and controller parts and accessories" from the facilities of Reliance Electric Co., at or near Cleveland, Ohio, to points in the States named 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 within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with special rule 247(d) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 109847 (Sub-No. 21) (Republication), filed March 21, 1975, published in the Federal Register issue of April 9, 1975, and republished this issue. Applicant: BOSS-LINCO LINES, INC., One West Genesse St. Suite 450, Buffalo, N.Y. 14240. Applicant's representatives: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, Va. 22314. The initial decision of the administrative law judge, dated August 24, 1977, and served September 2, 1977, became the order of the Commission October 7, 1977. The administrative law judge finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *General commodities* (except classes A and B explosives, commodities in bulk, commodities which because of their size or weight require the use of special equipment, and household goods as defined by the Commission), from points in that part of West Virginia on and north of West Virginia Highway 3; points in that part of Ohio east and south of a line beginning at the Indiana-Ohio State Boundary Line and extending along U.S. Highway 40 to Vandalia, thence along U.S. Highway 25 to Findlay, thence along Ohio Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky, Ohio; and points in that part of Maryland on and west of U.S. Highway 11, to points in Pennsylvania on and west of U.S. Highway 15, 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; that an appropriate certificate should be issued, subject to prior consummation of the transaction involved in No. MC-F-12461. The purpose of this republication is to show the commodities description as "General Commodities" with certain exceptions, in lieu of such merchandise as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities.

No. MC 136881 (Sub-No. 1) (Republication), filed July 2, 1975, published in the FEDERAL REGISTER issue of July 31, 1975, and republished this issue. Applicant: GARRITY TRUCKING, INC., 314 Mill Street, Fortville, Ind. 46040. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. An order of the Commission, Review Board No. 2, dated December 17, 1975, and served January 12, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of (1) *flint abrasives* from Webb City, Mo., to Fortville, Ind.; and (2) *crushed walnut shells* from Stockton, Mo., to Fortville, Ind., under a continuing contract or contracts with Indiana Machinery and Supply, Inc., of Fortville, Ind. The purpose of this republication is to reflect Indiana Machinery and Supply, Inc., as shipper.

No. MC 142259 (Republication), filed June 21, 1976, published in the FEDERAL REGISTER issue of October 7, 1976, and republished this issue. Applicant: JACK D. STEEL, 322 East Mountain View Drive, Sheridan, Wyo. 82801. Applicant's representative: Robert Connor, Jr., 40 South Main Street, Sheridan, Wyo. 82801. Ann Order of the Commission, Review Board No. 2, decided September 28, 1977, and served October 3, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same

vehicle with passengers, in round trip charter operations, beginning and ending at points in Sheridan, Johnson, Campbell, and Big Horn Counties, Wyo., and extending to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication to show charter operations in lieu of special operations.

No. MC 142508 (Sub-No. 4) Republication), filed December 30, 1976, published in the FEDERAL REGISTER of February 10, 1977, and republished this issue. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, Ill. 60602. The Initial Decision of the Administrative Law Judge, dated July 21, 1977, and served July 29, 1977, became the order of the Commission by notice dated August 29, 1977, and served September 16, 1977. The Administrative Law Judge finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Fruit and berry products, and condiments* (except commodities in bulk), (a) from the facilities utilized by Ocean Spray Cranberries, Inc., at or near North Chicago, Ill., and Kenosha, Wis., to points in Alabama, Arkansas, Colorado, Georgia, Louisiana, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; and (b) from the facilities utilized by Ocean Spray Cranberries, Inc., at or near Markham, Wash., to points in Arizona, California, Nevada, Oregon, Utah and Wyoming; (2) *foodstuffs and materials, equipment, and supplies* used in the manufacture, sale or distribution of foodstuffs (except commodities in bulk in tank vehicles), between the facilities utilized by Ocean Spray Cranberriers, Inc., at Chicago, Ill.; Bordentown, N.J.; Middleboro, Mass.; North East, Pa.; Markham, Wash.; and Kenosha, Wis.; and (3) *materials and supplies* used in the manufacture of fruit and berry products (except empty containers, frozen commodities and commodities in bulk), from points in California to the facilities utilized by Ocean Spray Cranberries, Inc., at Markham, Wash.; the authority in parts (1), (2), and (3) is restricted to traffic originating at the named origins and destined to the named destinations; 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 give notice of the modification of the restriction in part (2) to read against "commodities in bulk, in tank vehicles" in lieu of against "commodities in bulk."

No. MC 143091 (Sub-No. 1) (Republication), filed November 2, 1976, published in the FEDERAL REGISTER issue of November 24, 1976, as Oklahoma Docket No. MC 39391, and republished this issue. Applicant: R AND R TRUCKING, INC., 6708 Eastwood Circle, Oklahoma City, Okla. 73132. Applicant's representative: Bruce Ryan (same address as applicant). An Order of the Commission, Division 1, Acting as an Appellate Division, dated September 28, 1977, and served October 6, 1977, finds that applicant may conduct operations in interstate or foreign commerce within limits which do not exceed the scope of the intrastate operations for which applicant holds Certificate No. MC 39391 issued May 6, 1977, by the Corporation Commission of Oklahoma, which authorizes operations as a *common carrier* by motor vehicle, solely within the State of Oklahoma as follows: General commodities (except those of unusual value), Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from, to and between the following points in Oklahoma, via all routes, as follows: (1) Between Oklahoma City and Durant, via U.S. Highway 77 to Lexington, thence via State Highway 39 to Asher, thence State Highway 177 to Junction of State Highway 13, thence State Highway 13 to Ada, thence State Highway 99 to Madill, thence U.S. Highway 70 to Durant, except no service authorized to Ada, but serving all intermediate points south of Ahlosa on State Highway 99 to Madill and east of Madill on U.S. Highway 70 to Durant; and (2) between Durant, Oklahoma, and Broken Bow, Okla., via U.S. Highway 70, serving the intermediate points of Soper, Boswell, Bennington, Bokchito, Blue, Hugo, Fallon, Fort Towson, Swink, Valliant, Millerton, Idabel, Broken Bow, and the off-line point of Craig, Okla.; and (3) between Caddo, Okla., and the Oklahoma-Texas State line, via U.S. Highway 69 and 75, serving the intermediate points of Armstrong, Calera, and Colbert, Okla.; and (4) between Oklahoma City and Broken Bow via U.S. Interstate Highway 40 to U.S. Highway junction 177, thence U.S. Highway 177 to Junction of State Highway 13 to Ada, thence State Highway 3 to Broken Bow, serving no intermediate points between Oklahoma City and Atoka with no service authorized to Atoka but serving all intermediate points between Atoka and Broken Bow, including Antlers, and the off-line point of Wright City, Okla.; and (5) between Tupelo, Okla., Durant, Okla., via State Highway 48, serving all intermediate points except no service authorized to Tupelo; and (6) between Clayton and Hugo, Okla., via U.S. Highway 271 and U.S. Highway 70, serving all intermediate points. The purpose of this republication is to show actual authority granted.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with 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 340 (Sub-No. 43), filed September 23, 1977. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin St., San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Malt*

Beverages and advertising materials: (1) From New Orleans, La. to points in Texas, New Mexico, Mississippi, Georgia, Florida, Arkansas, and Alabama; (2) From Galveston, Texas, to points in New Mexico, Louisiana, Alabama, Arkansas, and Mississippi. Pallets and empty containers on return in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex. or New Orleans, La.

No. MC 531 (Sub-No. 351), filed September 19, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Alcoholic Liquors*, in bulk, in tank vehicles, from Ports of Entry between the United States and the Mexican boundary line located in California, Arizona, New Mexico and Texas to points in the United States (except Alaska and Hawaii) (2) *Alcoholic Liquors*, in bulk, in tank vehicles, from Ports of Entry on the United States and the Canadian boundary line located in New York; Pennsylvania; Washington; Detroit and Port Huron, Mich.; and Toledo, Ohio to Peoria, Ill.; Detroit, Mich.; and Burlingame, Calif. (3) *Alcoholic Liquors*, in bulk, in tank vehicles, between points in Indiana, Kentucky, Tennessee, Pennsylvania on the one hand, and, on the other, points in California. (Restricted against Whiskey from Bardstown, Ky. to El Segundo, Calif. and from Owensboro and Lawrenceburg, Ky. to: Vernon and San Francisco, Calif.; and from Lawrenceburg, Ind. to Vernon and San Francisco, Calif. and Neutral Spirits from Terre Haute, Ind. to Vernon and San Francisco, Calif. and Brandy from Orange Cove, Calif. to Bardstown, Ky. and Philadelphia, Pa. and Wines from points in California to Indiana and Brandy from Fresno and 15 miles thereof to Philadelphia, Pa.) (4) *Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wines and Brandies* from points in California to points in Illinois, New Jersey and Detroit, Mich. (Restricted against Wine and Brandy to New Jersey and Brandy from Lodi, Fresno, and Delano, Calif. to Peoria, Ill. and Wine from points in California to points in Illinois and Alcoholic Liquors from San Francisco, Calif. to Peoria and Pekin, Ill. and from Union City, Calif. to Pekin, Ill.) (5) *Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wines and Brandies*, in bulk, in tank vehicles from points in New York, New Jersey, Pennsylvania, and Maryland to: Peoria, Ill.; Burlingame and San Francisco, Calif.; and Detroit, Mich. (Restricted against Whiskey from Relay and Cockeysville, Md. to San Francisco, Calif. and from Cockeysville, Md. to Vernon, Calif. and Wines from Canadaiga, N.Y. to points in California.) (6) *Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wines and Brandies* between the following points: Delavan and Peoria, Ill.; Scobeyville, N.J.; Burlingame and San Francisco, Calif.; and Detroit, Mich. (Restricted against Wines and Brandy from points in California to Scobeyville, N.J. and Wine from California to Delavan and Peoria, Ill. and Alcoholic Liquors between Peoria, Ill. and San Francisco, Calif.) (7) *Alcoholic Liquors*, in bulk, in tank vehicles from Owensboro, Ky. to St. Louis, Mo.

NOTE.—Common control may be involved. Applicant requests that this matter be handled at a oral hearing before an administrative law judge and the hearing be held at Houston, Tex. or Washington, D.C.

No. MC 25708 (Sub-No. 29), filed September 20, 1977. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representatives: Richard A. Mehley, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Lancaster County, S.C., to points in North Carolina and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Columbia, S.C., or Charlotte, N.C.

No. MC 30837 (Sub-No. 478) (Correction), filed September 1, 1977, published in the FR issue of October 27, 1977, and republished, as corrected, this issue. Applicant: KENOSHA AUTO TRANSPORT CORP., 4200 39th Ave., Kenosha, Wis. 53140. 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: *Automobiles, and trucks*, in secondary movements, in truckaway service, between points in Arizona, California, Nevada, Oregon, and Washington on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Islands, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

The purpose of this republication is to reflect the correct Sub-No. in No. MC 30837 (Sub-No. 478) in lieu of 498 as previously published.

No. MC 41404 (Sub-No. 132), filed September 23, 1977. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, Food Products, and Food Ingredients* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Co. at Decatur, Ill., to Texas restricted to shipments originating at the named origins.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Springfield, Ill. or St. Louis, Mo.

No. MC 56244 (Sub-No. 53), filed September 19, 1977. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Zanesville, Ohio, to the District of Columbia, Philadelphia, Pa., and points in Pennsylvania on and east of U.S. Highway 15 (except Philadelphia).

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 59640 (Sub-No. 59), Filed: September 19, 1977. Applicant: PAULS TRUCKING CORP., Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in and sold by supermarkets, catalouge showroom stores, and homes center stores; and (2) *equipment materials, and supplies*, used in the conduct of businesses described in (1) above, (except commodities in bulk), (a) between Linden and South Plainfield, N.J., on the one hand, and, on the other, points in Maine, Maryland, New Hampshire, and Vermont; (b) between Milford, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; and (c) between North Berwick, Maine, on the one hand, and, on the other, points in New Hampshire and Vermont; and (3) *film, negatives, and prints* between Linden and South Plainfield, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Vermont, under a continuing contract or contracts with Supermarkets General Corp. located at Woodbridge, N.J.

NOTE.—If a hearing is deemed necessary, applicant reqeusts it be held at New York, N.Y.

No. MC 61231 (Sub-No. 106), filed September 21, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexible urethane foam* (1) from Middleton, Wis. to points in Illinois, Iowa, Kansas, Minnesota, and Missouri, and (2) from Council Bluffs, Iowa to poitns in Illinois, Iowa, Minnesota, Missouri, and Wiscon-

sin, restricted to traffic originating at the facilities of Future Foam, Inc. at the origins named in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61396 (Sub-No. 337), filed September 19, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II, 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material*, in bulk, in tank vehicles, from the facilities of CF Industries, Inc., at or near Albany, Ill., to points in Iowa, Minnesota, Wisconsin, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Neb. or Chicago, Ill.

No. MC 63417 (Sub-No. 112), filed September 16, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting (1) *Incandescent bulbs*, from Cleveland, Ohio to Newark, N.J.; and (2) *packaging material*, for commodities in (1) above on return.

NOTE.—If hearing is deemed necessary, applicant requests it be held at either Cleveland, Ohio or Roanoke, Va.

No. MC 63417 (Sub-No. 113), filed September 16, 1977. Applicant: BLUE RIDGDE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Polyethylene foam, forms and shapes*, from Coldwater, Mich., to points in Georgia, Illinois, Indiana, Kentucky, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia.

NOTE.—If hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Roanoke, Va.

No. MC 78228 (Sub-No. 66), filed Sept. 19, 1977. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories, hot top rings, hot top slabs, hot topping compound, brick, hardware, iron or steel fluxing or purifying compounds*, from the plantsite and other facilities of Ferro Engineering, Division of Oglebay Norton Co., at Cleveland, Ohio, to points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Cleveland, Ohio.

No. MC 78276 (Sub-No. 11), filed September 12, 1977. Applicant: MAZZEO & SONS EXPRESS, a corporation, 311 South River St., Hackensack, N.J. 07601. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wearing Apparel, loose, on hangers, when moving in mixed loads with wearing apparel, in cartons*, Between Atlanta, Ga.; Charlotte, N.C., Hialeah and Orlando, Fla., Memphis, Tenn., and Spartanburg, S.C., on the one hand, and, on the other, Points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Atlanta, Ga.

No. MC 80289 (Sub-No. 14), filed September 23, 1977. Applicant: RED LINE FURNITURE CARRIERS, INC., 826 Jersey Ave., Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, in interstate commerce, over irregular routes, transporting: *New furniture and parts*, between Philadelphia, Pa. and its Commercial Zone, on the one hand, and, on the other, points in Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts, New York, those points in New Jersey north of New Jersey Highway 33, and points in Kentucky, North Carolina, South Carolina, Michigan, Ohio, Indiana, West Virginia, Maine, Maryland, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 80289 (Sub-No. 15), filed September 22, 1977. Applicant: RED LINE FURNITURE CARRIERS, INC., 826 Jersey Avenue, Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, in interstate commerce, over irregular routes transporting: *Furniture and furnishings* as dealt in by retail mail order houses, from Greer, S.C., to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 83835 (Sub-No. 147), filed September 19, 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 routes, transporting: *Lift trucks, and parts, attachments, and accessories for lift trucks* between the plantsites of Allis-Chalmers Manufacturing Co., located at or near Lexington, S.C., on the one hand, and, on the other, points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94201 (Sub-No. 151), filed September 19, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Charlotte, N.C. and Chicago, Ill.: From Charlotte, N.C. via Interstate Highway 85 to its junction with U.S. Highway 74 near Kings Mountain, N.C.; thence via U.S. Highway 74 to Asheville, N.C.; thence via Interstate Highway 40 to Knoxville, Tenn.; thence via Interstate Highway 75 to Cincinnati, Ohio; thence via Interstate Highway 74 to Indianapolis, Ind.; thence via Interstate Highway 65 to Gary, Ind.; thence via Interstate Highway 94 to Chicago, Ill. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 94201 (Sub-No. 152), filed September 21, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlana, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn. and Chicago, Ill.: From Memphis, Tenn. via Interstate Highway 55 to its junction with Inerstate Highway 57 near Sikeston, Mo.; thence via Intersate Highway 57 to its junction with Interstate Highway 94 near Chicago, Ill.; thence via Interstate Highway 94 to Chicago, Ill., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 94201 (Sub-No. 153), filed September 21, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norfolk, Virginia and Elizabeth, N.J.:

From Norfolk, Va. via U.S. Highway 13 to its junction with U.S. Highway 130 295; thence via Interstate Highway 295 to its junction with U.S. Highway 130 near Deepwater, N.J.: thence via U.S. Highway 130 to its junction with U.S. Highway 1 near New Brunswick, N.J.: thence via U.S. Highway 1 to Elizabeth, N.J., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Georgia or Washington, D.C.

No. MC 97850 (Sub-No. 3), filed September 9, 1977. Applicant: SOUTH FLORIDA FREIGHTWAYS, INC., 3355 Northwest 41st Street, Miami, Fla. 33142. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to engage in operations, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, in the transportation of *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 Miami and Orlando, Florida, serving all intermediate points. From Miami over U.S. Highway 1 and/or State Road A1A to Titusville, thence over State Road 405 to its junction with State Road 50, thence over State Road 50 to Orlando, and return over the same route; (2) Between Miami and Orlando, Fla., serving all intermediate points. From Miami over U.S. Highway 27 to South Bay, thence over State Road 80 to Belle Glade, thence over U.S. Highway 441 to Orlando, and return over the same route; (3) Between South Bay and Orlando, Fla., serving all intermediate points. From South Bay over U.S. Highway 27 and 27A to Haines City, thence over U.S. Highway 17 to Orlando and return over the same route; (4) Between Miami and Tampa, Fla., serving all intermediate points. From Miami over U.S. Highway 41 to Punta Gorda, thence over U.S. Highway 17 to Bartow, thence over U.S. Highway 98 to Lakeland, thence over U.S. Highway 92 to Tampa and return over the same route; (5) Between Punta Gorda and Tampa, Fla., over U.S. Highway 41 serving all intermediate points; (6) Between the junction of U.S. Highway 41 and State Road 29 near Everglades, Fla., and Fort Myers, Fla., serving all intermediate points.

From said junction of U.S. Highway 41 with State Road 29 over State Road 29 to its junction with State Road 82 thence over State Road 82 to Fort Myers and return over the same route; (7) Between Orlando and Tampa, Fla., over Interstate Highway 4 serving no intermediate points; (8) Between Miami and the junction of the Sunshine State Parkway with U.S. Highway 17, over the Sunshine State Parkway, as an alternate route for operating convenience only; and (9) All other points in Florida on or south of a line beginning at the western terminus of Florida Highway 60, thence easterly along Florida Highway 60 to its junction with Interstate Highway 4, thence easterly along Interstate Highway 4 to its junction with Florida Highway 50, thence easterly along Florida Highway 50 to its junction with Florida Highway 405, thence northeasterly along Florida Highway 405 to its junction with Florida Highway 402, thence easterly along Florida Highway 402 to its eastern terminus (except those points in Dade and Monroe Counties on U.S. Highway 1 and Florida Highway 27, south of Miami) will be served as off-route points.

NOTE.—The purpose of this application is to convert its certificates of registration to a certificate of public convenience and necessity and to remove the restriction against interlining with motor common carriers so as to render service on traffic originating at or destined to points in Dade, Broward, and Palm Beach Counties, Florida, and tacking with any authority except that presently held by applicant. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla. Common control may be involved.

No. MC 102567 (Sub-No. 302), filed September 12, 1977. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71111. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting *Liquid hydrochloric (muriatic) acid*, in bulk, in rubber-lined tank vehicles, from Norco, La. to points in Arkansas and Oklahoma.

NOTE.—If a hearing is deemed, necessary, applicant requests it be held at Houston, Tex. or New Orleans, La.

No. MC 105045 (Sub-No. 70), filed September 21, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Electric switch gear, mounted and unmounted, and related panels and metal sections*, restricted to traffic requiring special equipment by reason of size or weight, and parts and accessories of such commodities between Severn, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusets, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic moving to or from the facilities of Powercon Corporation, Severn, Md.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 105461 (Sub-No. 96), filed September 19, 1977. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, pulpboard, fibreboard, paperboard products*, and *materials, equipment and supplies used in the manufacture and distribution of the above named commodities* (excluding commodities in bulk), (1) between the plant sites and facilities of Sonoco Products Company, at Amsterdam and Canandaigua, N.Y., on the one hand and on the other, points in Erie, Warren, McKean, Potter, Tioga, Crawford, Mercer, Venango, Forest, Elk, Cameron, Cambria, Blair, Lycoming, Lawrence, Beaver, Butler, Armstrong, Clarion, Indiana, Jefferson, Clearfield, Centre, and Clinton Counties, Pennsylvania; and points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Carroll, Stark, Portage, Geauga, Lake, Cuyahoga, Summit, Wayne, Medina and Lorain Counties, Ohio; and (2) between the facilities of Sonoco Products Company, at Holyoke, Mass. and points in New York on the west of Interstate Highway 81.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 106497 (Sub-No. 147), filed September 16, 1977. Applicant: PARK-HILL TRUCK COMPANY, a corporation, P.O. Box 912, (Bus. Rt. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, 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.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Tulsa, Okla., or Dallas, Tex.

No. MC 106497 (Sub-No. 148), filed September 19, 1977, Applicant: PARK-HILL TRUCK COMPANY, a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment or handling from the plant site, warehouse, and storage facilities of the Rockcastle Steel Corporation located in Rockcastle County, Kentucky, to points in the United States (except Hawaii and Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, Ky., or Cincinnati, Ohio.

No. MC 107012 (Sub-No. 253), filed September 22, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Rd., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey, P.O. Box 988, Fort Wayne, Ind. 46801. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Subassemblies, parts, components, and supplies* used in the manufacturing of computers and computer equipment when moving in mixed loads with Proviso (3) *Household Goods* as defined by the Commission at 49 CFR 1056.1, (1) Between Maynard, Marlborough, Natick, Springfield, Westfield, Westminster, Mass., and Nashua, Concord, Salem, N.H., on the one hand, and on the other, Boulder, Colorado Springs, Fountain, and Rockriman, Colo., Phoenix, Ariz., Albuquerque, N. Mex., and Mountain View, Calif.; and, (2) Between Boulder, Colorado Springs, Fountain, and Rockriman, Colo., Phoenix, Ariz., Albuquerque, N. Mex., and Mountain View, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Boston, Mass. or Washington, D.C.

No. MC 107295 (Sub-No. 861), filed September 19, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Printed matter* and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of printed matter (except commodities in bulk), between Hammond, Ind.; Indianapolis, Ind.; Versailles, Ky.; Lexington, Ky.; Taunton, Mass.; Chicago, Ill.; Ossining, N.Y.; and Nashville, Tenn. 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 in Chicago, Ill.

No. MC 107295 (Sub-No. 862), filed September 22, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plywood*, from Darlington, S.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Atlanta, Ga.

No. MC 107295 (Sub-No. 863), filed September 22, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Construction materials* and *supplies* (except commodities in bulk), from the plant site of The Upco Company at or near Conyers, Georgia, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, Ohio.

MC 107460 (Sub-No. 73), filed September 23, 1977. Applicant, WILLIAM Z. GETZ, INC., 3055 Yellow Goose Rd., Lancaster, Pa. 17601. Applicant's representative, Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Aluminum and aluminum articles and aluminum products* (except commodities in bulk), from the plantsite of the Intalco Aluminum Corporation, located at or near Ferndale, Wash., to points in California; and (2) *materials and supplies* (except commodities in bulk), used in the manufacture of aluminum, aluminum articles and aluminum products, from points in California to the plantsite of Intalco Aluminum Corporation, located at or near Ferndale, Wash., under a continuing contract or contracts with the Intalco Aluminum Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either at Washington, D.C. or Seattle, Wash.

MC 107496 (Sub-No. 1107), filed September 19, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Iowa City, Iowa to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill. or Des Moines, Iowa. Common control may be involved.

No. MC 10515 (Sub-No. 1101), filed September 19, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery*, from the plantsite and/or storage facilities of Peter Paul, Inc., at or near Frankfort, Logansport, and Indianapolis, Ind., to points in Texas, Arkansas, Oklahoma and Louisiana.

NOTE.—Applicant holds motor contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs, therefore, dual operation may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 108119 (Sub-No. 68), filed September 21, 1977. Applicant: E. L. MURPHY TRUCKING COMPANY, (a corporation), P.O. Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and wire products*, from Kent, Washington; City of Commerce, City of Industry, Hayward and Riverside, Calif. to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 108341 (Sub-No. 69), filed September 22, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated and jacketed pipe and tubing and* (2) *parts, materials, equipment and supplies* used in the installation of insulated and jacketed pipe and tubing (except commodities in bulk) when moving in the same shipment with (1) above, from the facilities of Ric-Wil, Incorporated, Baton Rouge Mfg. Company, and Durant Insulated Pipe Company, at or near Prairieville, Louisiana to points in the United States in and east of Mississippi, Tennessee, Kentucky, Illinois, and the lower peninsula of Michigan, restricted to the transportation of shipments originating at the named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108375 (Sub-No. 38), filed September 23, 1977. Applicant: LeROY L. WADE & SON, INC., P.O. Box 27053, 10550 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, coils, channels, iron or steel*, from Nebraska City, Nebr. to Deshler, Nebr. (Restricted to traffic having an immediately prior movement by water).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 108392 (Sub-No. 5) (Amendment), filed July 1, 1977, published in the FEDERAL REGISTER issue of August 25, 1977, and republished, as amended, this issue. Applicant: DISTRIBUTORS SERVICE COMPANY, INC., 30 Edgewood Park Dr., Parkersburg, W. Va. 26101. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier* by motor vehicles, over irregular routes, transporting *Beer and malt beverages*, in containers, from the plant site of the Miller Brewing Company at South Volney, N.Y.; Eden, N.C. and Pabst, Ga., to Parkersburg, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va. The purpose of this republication is to amend the requested authority by deleting service from Fulton, N.Y. and reflecting service from the plant site of the Miller Brewing Company at South Volney, N.Y.

MC 109124 (Sub-No. 35), filed September 19, 1977. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated*, in bulk, in dump vehicles, from the plantsite of H.B. Reed & Company, Inc., located at or near Cresap, West Virginia, to the plantsite of CertainTeed Corporation, located at or near Avery, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109724 (Sub-No. 6), filed September 20, 1977. Applicant: Paul J. Schmit, d.b.a. PAUL J. SCHMIT TRUCKING, 1480 Springdale Rd., Waukesha, Wis. 53186. Applicant's representative: William C. Dineen, 710 North Plankinton Ave., Suite 412, Empire Bldg., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes transporting: *Sand* in bulk from Marinette, Wis., to points in the Upper Peninsula of Michigan, under a continuing contract with Lake Shore Sand & Stone Division of Construction Aggregates Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at Milwaukee or Madison, Wis.

No. MC 110563 (Sub-No. 209), filed September 19, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, St. Route 29 North, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs and related advertising materials and display racks* in mixed loads with *compressed fireplace logs*, from Suffolk, Va., to points in Ohio, Michigan, Indiana, Arkansas, Missouri, Illinois, Wisconsin, Minnesota, Iowa, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 122), filed September 21, 1977. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, D.C. 20036. 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 commodities requiring special equipment). Serving Madison, Indiana, as an off-route point in connection with applicant's existing regular route authority between Cincinnati, Ohio, and Louisville, Ky.

NOTE.—No new service points or territories are sought in this application. Pursuant to certificate of Public Convenience and Necessity issued in Docket No. 110683 (Sub-No. 84), Smith's Transfer Corp. is authorized to provide service to and from Madison, Ind. The purpose of this application is to remove the present requirement that traffic shipped to or from Madison, Ind., move via West Virginia, North Carolina, or Virginia. If a hearing is deemed necessary, the applicant requests it be held in Loiusville, Ky., or Washington, D.C. Common control may be involved.

No. MC 110988 (Sub-No. 350), filed September 19, 1977. Applicant: Schneider Tank Lines, Inc., 4321 W. College Avenue, Appleton, Wis. 54911. Applicant's representative: Paul C. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in rubber-lined tanks, from Huntsville, Ala.; Greeneville, Tenn.; Fayetteville, Ark.; and Kokomo and Vincennes, Ind., to Union, Ill., and Elyria, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub No. 503), filed September 23, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Petroleum treating compounds*, in bulk, in tank vehicles, from Sand Springs, Okla., to points in North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 111496 (Sub-No. 7), filed September 23, 1977. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, Tex. 77002. Applicant's representative: E. Stephen Heisley, Suite 806, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle over irregular routes transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site and storage facilities of Oxirane Chemical Co., at or near Channelview, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, it is requested at Houston, Tex.

No. MC 112822 (Sub-No. 427), filed September 12, 1977. 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: *Candy or confectionery*, from the plantsite and/or storage facilities of Peter Paul, Inc., at or near Frankfort, Logansport, and Indianapolis, Ind., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113362 (Sub-No. 311), filed September 12, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and Paper products, and materials, equipment and supplies utilized in the manufacture thereof* (except commodities in bulk), from the plantsite and warehouse facilities of the International Paper Co. at or near Jay and Livermore Falls, Maine, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, District of Columbia, points in New York on and west of Interstate 81, Pennsylvania on and west of Interstate 81 and 83 and Emigsville, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 113434 (Sub-No. 85), filed September 22, 1977. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned evaporated milk*, from Maysville, Ky., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 230), filed September 12, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Riggin Road, Box 552, Muncie, Ind. 47305. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of foodstuffs* in mechanically refrigerated trailers (except commodities in bulk), from Fulton, Oswego, and Syracuse, N.Y., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York City, N.Y.

Docket No. MC 113828 (Sub-No. 248), filed September 16, 1977. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's Representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street NW., Washington, D.C. 20014. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Fertilizer and fertilizer materials, anhydrous ammonia, urea and soda ash*, in bulk, from points in Richmond County, Ga., to points in South Carolina, North Carolina, Virginia, West Virginia, Tennessee, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

MC 113855 (Sub-No. 387), filed September 19, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Material handling equipment and parts* for material handling equipment, from Battle Creek, Mich., to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 480), filed September 23, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Canned food products from Napoleon, Ohio, to Paris, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 114211 (Sub-No. 319), filed September 22, 1977. Applicant: Warren Transport, Inc., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Air pollution, heating and cooling equipment, and parts and accessories for the above commodities, from the plantsite and facilities of the Fuller Co., located at or near Houston, Tex., to points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

MC 114273 (Sub-No. 298), filed September 19, 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: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 109 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and facilities of Illini Beef Packers at Joslin, Ill., to points in New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it he held at either Chicago, Ill. or Washington, D.C.

Applicant states that it is serving supporting shipper to points in twelve states in its Sub 83. The purpose of this application is to add New Jersey as an additional destination State.

No. MC 114457 (Sub-No. 331), filed September 22, 1977. Applicant: DART TRANSIT COMPANY (a corporation), 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Sugar from Moorhead, East Grand Forks, Chaska, Crookston, Minneapolis, and St. Paul, Minn., to points in Illinois, Indiana, Iowa, Ohio, Missouri, and Wisconsin.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114533 (Sub-No. 363), filed September 21, 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: *Exposed and processed film and prints, complimentary replacement film and incidental delaer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), between Sedgwick County, Kans., on the one hand, and, on the other, Muskogee, Tulsa, Ottawa, Wagoner, Washington, and Osage Counties, Okla., and between points in Wyandotte County, Kans., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Cleburne, Conway, Faulkner, Franklin, Fulton, Izard, Johnson, Logan, Madison, Newton, Perry, Pope, Pulaski, Saline, Scott, Sebastian, Searcy, Stone, Van Buren, Washington and Yell Counties, Ark.; and points in Adair, Cherokee, Craig, Creek, Delaware, Garfield, Grant, Hughes, Kay, Kingfisher, Lincoln, Mayes, McIntosh, Muskogee, Noble, Nowata, Okmulgee, Okfuskee, Osage, Pawnee, Payne, Pottawatomie, Rogers, Sequoyah, Seminole, Wagoner, and Washington Counties, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo. Applicant holds contract carrier authority in No. MC 128616 and other subnumbers thereunder, therefore, dual operations may be involved.

No. MC 114939 (Sub-No. 47), filed September 19, 1977. Applicant: BULK CARRIERS LIMITED, Box 10, Cooksville Post Office, Mississauga, Ontario, Canada L5A 2W7. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes ,transporting: (1) *Chemicals in bulk*, between ports of entry on the international boundary line between the United States and Canada located in Minnesota, on the one hand, and, on the other hand, points in the Upper Peninsula of Michigan, Minnesota, and Wisconsin; and (2) Chemicals in bulk, between ports of entry on the international boundary line between the United States and Canada located on the St. Marys River in Michigan, on the one hand, and, on the other hand, points in Minnesota and Wisconsin; restricted in (1) and (2) above to traffic originating at or destined to points in Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115311 (Sub-No. 241), filed September 19, 1977. Applicant: J & M Transportation Co., Inc., P.O. Box 488, Milledgeville, Ga., 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over routes transporting: (1) *Paper and paper products*, from the plantsites of International Paper Co. located at or near Mobile, Ala. and Moss Point, Miss. to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk, in tank vehicles), from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plantsites of International Paper Co., located at or near Mobile, Alabama, and Moss Point, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 115651 (Sub-No. 31), filed September, 23, 1977. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Chicago, Ill. 61102. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle over irregular routes transporting: *Paint and paint materials*, in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Coatings and Resins Division, SCM Corp., located in the Chicago, Ill., commercial zone, to points in Indiana, Iowa, Kansas,

Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115651 (Sub-No. 32), filed September 22, 1977. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle over irregular routes transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite and warehouse facilities of National Starch & Chemical Corp. at or near Chicago, Ill., to points in Michigan, Minnesota, Missouri, and Wisconsin.

NOTE.—Applicant states that common control may be involved. If a hearing is deemed necessary applicant requests that hearing be held in Chicago, Ill.

No. MC 115730 (Sub-No. 37), filed September 19, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between Salt Lake City, Utah, Idaho Falls, Pocatello, and Boise, Idaho, Denver, Colo., Chicago, Ill., Tulsa, Okla., Davenport, Iowa, and Albuquerque, N. Mex., and (2) between points named in part (1) above, on the one hand, and, on the other, points in Iowa, Kansas, Oklahoma, Colorado, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 117068 (Sub-No. 84), filed September 19, 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: (a) *compressors* from Michigan City, Ind., (b) *backhoes* from Erie, Pa., and (c) *compactors* from points in Sussex County, N.J., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Milwaukee, Wisconsin.

No. MC 117119 (Sub-No. 654), filed September 22, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs* (except in bulk), from the plantsite of Inland Storage Distribution Center, located at Kansas City, Kansas to points in Illinois, Indiana and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117303 (Sub-No. 12), filed September 19, 1977. Applicant: HUDSON VALLEY CEMENT LINES, INC., Box 203, Claverack, N.Y. 12513. Applicant's representative: Martin Werner, 888 Seventh Avenue, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Catskill (Greene County), N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York or Albany, N.Y.

No. MC 117439 (Sub-No. 54), filed September 19, 1977. Applicant: BULK TRANSPORT, INC., 5500 Florida Boulevard, P.O. Box 1429, Baton Rouge, La. 70821. Applicant's representative: John Schwab, 617 North Boulevard, P.O. Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Drilling mud*, in bulk and in bags, from points in Louisiana to points in Mississippi, Alabama, Georgia, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Houston, Tex.

No. MC 117815 (Sub-No. 267), filed September 19, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Dewey Marselle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of or utilized by Vlasic Foods, Inc., located at or near Bridgeport, Detroit, and Imlay City, Mich., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, and those in Illinois located in the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich., or Chicago, Ill.

No. MC 117940 (Sub-No. 233), filed September 21, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from plant site and storage facilities of Swift & Company located at or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at plant sites and storage facilities of Swift & Company at named origins and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118535 (Sub-No. 105), filed September 19, 1977. Applicant: TIONA TRUCK LINE, INC., 111 So. Prospect, Butler, Mo. 64730. Applicant's representative: Jim Tiona, Jr., 111 So. Prospect, Butler, Mo. 64730. Applicant's represent- operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly Ash*, from the plant site or facilities utilized by The Kansas Power and Light Co. located at or near Tecumseh and St. Marys, Kans. to points in Arkansas, Colorado, Iowa, Oklahoma, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118696 (Sub-No. 9), filed September 22, 1977. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, Ind. 46324. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding and mattress cores* from Marion, Ind. to points in Georgia, Ohio, Kentucky, Maryland, Pennsylvania, Illinois, Minnesota, Wisconsin, Michigan, Missouri, New York, Connecticut, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 119160 (Sub-No. 11), filed September 16, 1977. Applicant: H. E. SPANN AND CO., INC., P.O. Box 1111, Highway 67 East, Mt. Pleasant, Tex. 75455. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace or kiln lining, refractory products and commodities incidental to the installation thereof* (except commodities in bulk, in tank vehicles); *and materials and supplies* used in the manufacture and production of fire brick, fire clay, furnace or kiln lining, refractory products and commodities incidental to the installation thereof (except commodities in bulk, in tank vehicles), between points in Hopkins County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119741 (Sub-No. 84), filed September 19, 1977. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225

Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in descriptions in motor carrier certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Chicago, Ill., to points in Iowa, Kansas, Missouri, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 86), filed September 22, 1977. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Co., located at Decatur, Ill., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 119765 (Sub-No. 46), filed September 22, 1977. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 ¯66 (except hides and commodities in bulk), from the plant site and storage facilities of Swift & Company plants located at/or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; restricted to traffic originating at the named origins and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 119792 (Sub-No. 66), filed September 22, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a corporation, 3600 South Western Avenue, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen juice and concentrate products* (except commodities in bulk) from Dade City, Fla. to points in Michigan, Kansas, Kentucky, Illinois, Indiana, Iowa, Ohio, Minnesota, Missouri, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 119792 (Sub-No. 67), filed September 22, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a corporation, 3600 South Western Avenue, Chicago, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Foodstuffs and food ingredients* (except commodities in bulk) from Fond du Lac, Milwaukee and Beloit and points in Kenosha County, Wis. and Hebron, Ill. to points in Arkansas, Kentucky, and Virginia; (2) *Foodstuffs and food ingredients* (except commodities in bulk) and *curio and gift shop items, premiums, toys and display material*, when moving in mixed shipments with foodstuffs and food ingredients, from Monroe, Wis. to points in Arkansas, Kentucky, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee or Madison, Wis.

No. MC 123048 (Sub-No. 369), filed September 19, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Post Office Box 1557, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bus seats*, from Grand Rapids, Mich., to Woodlawn, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Chicago, Ill., or Washington, D.C.

No. MC 123255 (Sub-No. 123), filed September 23, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, Ohio 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Foodstuffs* (except commodities in bulk), from Battle Creek, Mich., to points in the States of Illinois, Indiana, Ohio, those in that part of Iowa within 10 miles of the Iowa-Illinois State line, those in that part of Missouri within 10 miles of the Missouri-Illinois State line, including points in St. Louis County, Mo., those in that part of Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line, and the Kentucky-Ohio State line, including points in Jefferson County, Ky., those in that part of West Virginia within 10 miles of the West Virginia-Ohio State line, including points in Hancock, Brook, and Ohio Counties, W. Va., and those in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Greensburg, Schenley, and South Connellsville, and Penn, Pa., and points within 10 miles of Jeannette, Greensburg, Schenley, South Connellsville, and Penn, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123379 (Sub-No. 11), filed September 19, 1977. Applicant: BRUBAKER TRANSFER, INC., 103 North Major Street, Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, Eureka Professional Building, 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: New display cases and store fixtures, in mixed loads of packaged and unpackaged goods, from the plantsite of Cedar City Products Co., a subsidiary of the Metamora Co., at Cedar City, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, under a continuing contract, or contracts, with Cedar City Products Co., a subsidiary of the Metamora Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 747), filed September 19, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wisc. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from points in Massachusetts, to points in New York, New Jersey and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass. Common control may be involved.

No. MC 124247 (Sub-No. 17), filed September 19, 1977. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, Ill 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (A) (1) *Construction materials;* and (2) *cement and asbestos products and insulating materials*, from the plant sites and warehouse facilities of Johns-Manville Sales Corp., and Johns-Manville Perlite Corp., located at Waukegan and Rockdale, Ill., to points in Illinois, Indiana, and Wisconsin; and (B) *equipment, materials and supplies*, used in the manufacture and distribution of the products listed in (A) above, from points in Illinois, Indiana, and Wisconsine, to the plant sites and warehouse facilities of Johns-Manville Sales Corp., and Johns-Manville Perlite Corp., located at Waukegan and Rockdale, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 124266 (Sub-No. 3), filed: September 19, 1977. Applicant: NELSON GWILLIM, R.R. No. 2, Box 144, Carlinville, Ill. 62626. Applicant's representative: Robert T Lawley, 300 Reisch Building Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Falstaff Brewing Co., at Ft. Wayne, Ind., to Carlinville, Lincoln, and Springfield, Ill., under a continuing contract or contracts with Starr Bros., Inc., located at Carlinville, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 124341 (Sub-No. 5), filed September 19, 1977. Applicant: LAWRENCE LAWYER, 757 North Indiana Street, Mooresville, Indiana 46158. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Kentucky, Illinois, Ohio, Tennessee, Virginia, and West Virginia, to (1) the plantsite of General Shale Products of Indiana, Inc., located at or near Mooresville, Ind., and (2) the plantside of Hydraulic Press Brick Co., located at or near Brooklyn, Ind. Restriction: Restricted to service performed pursuant to a continuing contract, or contracts, with General Shale Products of Indiana, Inc., and Hydraulic Press Brick Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124947 (Sub-No. 71), filed September 12, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *metal working press, metal drawing press, metal rolling machinery, machine parts, wrought castings and weldings and gear and materials and supplies* used in the manufacturing of the items above, between Salem, Ohio and points in the United States (except Alaska and Hawaii), a non-radial movement. Restricted to traffic originating or destined to the plant and facilities of Gulf & Western Manufacturing Co.,—E. W. Bliss Division, Salem, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 124947 (Sub-No. 75), filed September 19, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74979. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting material handling equipment and parts and accessories for material handling equipment, from Crystal Lake, Ill. and Houston, Tex. to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, Tex., or Chicago, Ill.

No. MC 125368 (Sub-No. 22), filed September 21, 1977. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, N.C. 28445. Applicant's representative: C. W. Fletcher (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of Swift & Co. plants located at/or near Omaha, Nebraska; Glenwood, Sioux City, Des Moines, and Marshalltown, Iowa to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and (2) from Grand Island, Nebraska to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 125133 (Sub No. 126), filed Sept. 23, 1977. Applicant: F–B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Metal scrap, crushed or shredded automobile bodies and scrap wet batteries*, from points in Salt Lake City, Weber, and Utah Counties, Utah; to El Paso, and Tyler, Tex.; Chicago, Ill., and its Commercial Zone; those points in St. Louis County, Mo., and points in Arkansas, California, Oregon, and Washington. Restricted to shipments originating at the plantsites and shipping facilities of Pepper's Allied Metal Co. and Learner Pepper Co., and further restricted against shipments which because of size or weight require the use of special equipment, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodity, 74 M.C.C. 459.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 126539 (Sub-No. 33), filed September 19, 1977. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Fertilizer and fertilizer materials, in bulk, From the facilities of CF Industries Inc., at or near Albany, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE.—Applicant holds motor contract authority in No. MC 129135 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or St. Paul, Minn.

No. MC 128051 (Sub-No. 2), filed September 12, 1977. Applicant: MAKAR TRUCKING, INC., 48 South Jefferson Rd., Whippany, N.J. 07981. Applicant's representative: Nathaniel H. Yohalem, Sutton Metropark, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, particleboard, aspenite* and *railroad ties* between points in New Jersey and New York within fifty (50) miles of Hackensack, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 128273 (Sub-No. 265), filed September 19, 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: *Toys and games and children's vehicles and parts thereof*, from the plantsites and storage facilities of the Louis Marx Company, located at or near Girard, Pa.; Glendale, W. Va.; and Columbus, Ohio, to points in the United States in and west of Wisconsin, Illinois, Missouri, Tennessee, and Alabama (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 128273 (Sub-No. 266), filed September 19, 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: *Charcoal, charcoal briquettes, hickory chips and charcoal lighter fluid* (except commodities in bulk), from Dickinson, N. Dak., to points in Montana, Wyoming, Utah, Arizona, Nevada, California, Oregon, Idaho, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 128279 (Sub-No. 28), filed September 22, 1977. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those described in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459), between points in El Paso County, Tex., on the one hand, and, on the other, points in Arizona, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or El Paso, Tex.

No. MC 133566 (Sub-No. 91), filed September 19, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen processed foods*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and storage facilities of Orchard Hill Farms located at or near Red Hook, N.Y., to points in Indiana, Illinois, Minnesota, Kentucky, Tennessee, and Louisiana. Restricted to traffic originating at the above named plantsite and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 134477 (Sub-No. 190), filed September 19, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting malt beverages, and advertising materials, premiums and malt beverage dispensing equipment when moving at the same time and in the same vehicle with malt beverages (except commodities in bulk), from Houston, Tex. to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin. Restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134574 (Sub-No. 20), filed September 15, 1977. Applicant: FIGOL DISTRIBUTORS LIMITED, 11233 156 Street, Edmonton, Alberta, Canada T5M 1Y2. Applicant's representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nickel, in drums*, from Ports of Entry on the International Boundary Line between the United States and Canada located in Montana, Idaho, and Washington to points in Washington, Oregon, and California. (Restriction: Restricted to the transportation of traffic originating in the Province of Alberta, Canada).

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held in Great Falls, Mont.

No. MC 135082 (Sub-No. 54), filed September 19, 1977. Applicant: BURSCH TRUCKING, INC. doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road N.E., Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest Products* from Prescott, Ariz. to points in California, Colorado, Oklahoma, Nevada, New Mexico, Texas, and Utah; and (2) *Lumber mill products* from New Mexico to Arizona, California, and Nevada.

NOTE.—Applicant holds contract carrier authority in No. MC 115524 (Sub-No. 2) and sub-numbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albuquerque, N. Mex.

No. MC 135283 (Sub-No. 27) filed September 23, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 S. Stuhr Rd., Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 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: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Company, located at or near Grand Island and Omaha, Nebr.; and Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Grand Island, Nebr.

No. MC 135452 (Sub-No. 4), filed September 19, 1977. Applicant: John R. Shearon and Fred D. Shearon, individuals, d.b.a. SHEARON TRUCKING, P.O. Box 387, Ashland City, Tenn. 37015. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquified propane gas* from Bienville County, La., Pemiscot County, Mo., and Memphis, Lebanon and Columbia, Tenn. to Ashland City, Tenn., (2) *Water heaters* from Ashland City, Tenn. to Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Texas, Virginia and West Virginia, under a continuing contract or contracts with State Industries, Inc., Ashland City, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn.

No. MC 135861 (Sub-No. 16), filed September 19, 1977. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, chocolate products, flavoring syrup, cocoa, and cocoa butter*, from Derry Township, Dauphine County, Pa., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Texas, and Tennessee, under continuing contract, or contracts, with Hershey Foods Corporation, Hershey, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas or Fort Worth, Tex.

No. MC 136343 (Sub-No. 119), filed September 23, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicants representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, in interstate commerce, over irregular routes, transporting: (1) *Central heating units, central air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors, electric motors, parts, equipment and supplies*, from Milledgeville, Ga., to points in Alabama, Connecticut, Delaware, Florida, Illinois, Indian, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and (2) *Parts, equipment and supplies*, used in the manufacture and installation of the commodities named in (1) above, from Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to Milledgeville, Ga., restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Rheem Manufacturing Company, located at Milledgeville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 138157 (Sub-No. 44), filed September 21, 1977. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, Tenn. 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet, carpeting and yarn* from the facilities of Berven Carpets Corp., Berven Rug Mills, and Varidye Corp. located at or near Fresno, Calif., to Ridgefield Park, N.J.; Franklin Park, Ill.; Roseville, Mich.; Houston, Tex.; Phoenix, Ariz.; and Cincinnati, Ohio; (2) *Equipment, materials and supplies* used in the man-

ufacture, production and distribution of the commodities named in (1) above, and the commodities named in (1) above, from points in Alabama, Georgia, Pennsylvania, North Carolina, South Carolina, Tennessee, and Virginia, to the facilities of Berven Carpets Corp., Berven Rug Mills and Varidye Corp. at or near Fresno, Calif., and to Los Angeles, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 134150 Sub-No. 2 and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 138308 (Sub-No. 33), filed September 19, 1977. Applicant: KLM, INC., 2102 Old Brandon Rd, P.O. Box 6098, Jackson, Miss. 39208. 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 irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Union Insulating Co., Inc. at or near Parkersburg, W. Va. to points in Texas.

NOTE.—Applicant holds motor contract authority in No. MC 128592 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary the application requests that it be held at Washington, D.C.

No. MC 138308 (Sub-No. 43), filed September 22, 1977. Applicant: KLM, INC., P.O. Box 6098, Jackson, Miss. 39025. Applicant's representative: Donald B. Morrison, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department and variety stores (except commodities in bulk), from points in Connecticut, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Mississippi, New Jersey, Oklahoma, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin, to the facilities of W. E. Walker, Inc., located at or near Columbia, Miss. and Diboll, Tex., restricted to shipments originating in the above-named states, and destined to the above-specified points.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128592, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or Washington, D.C.

No. MC 138350 (Sub-No. 4), filed September 22, 1977. Applicant: Franklin O. Davis, d.b.a. WHITE PLAINS TRANSPORTATION, Box 97, White Plains, Md. 20695. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *Malt beverages*, from Eden, N.C. to Upper Marlboro, Md., under a continuing contract or contracts with Buck Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

MC 138360 (Sub-No. 3), filed September 19, 1977. Applicant: PRESTON DOBBS, d.b.a. PRESTON DOBBS TRUCK SERVICE, P.O. Box 11, Hamilton, Miss. 79746. Applicant's representative: James L. Martin, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and commodities in bulk), and empty trailers, restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, between West Point, Mississippi on the one hand, and, on the other, points in Chickasaw, Clay, Lowndes, Monroe, and Oktibbeha Counties, Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Mississippi.

No. MC 138621 (Sub-No. 5), filed September 22, 1977. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportation of: *Cheese*, from Blair, Wis., Portage, Wis., and Parkston, S. Dak.; to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Texas and Utah, under a continuing contract or contracts with Associated Milk Producers, Inc.

NOTE.—Applicant holds motor common carrier authority in No. MC 140205, therefore dual operations may be involved. If hearing is deemed necessary, the applicant requests that it be held at Minneapolis or St. Paul, Minn.

No. MC 138777 (Sub-No. 4), filed September 19, 1977. Applicant: FETZ, INC., Suite 130, 5859 New Peachtree Road, Doraville, Ga. 30340. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, urea and soda ash*, in bulk, from points in Richmond County, Ga., to points in South Carolina, North Carolina, Virginia, West Virginia, Tennessee, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 139495 (Sub-No. 270), filed September 19, 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: *Drugs, medicines, and chemicals*, in vehicles equipped with mechanical refrigeration, (1) from the facilities of Miles Laboratories, Inc., at or near Elkhart, Ind., to points in Connecticut, Massachusetts, New York, and Pennsylvania; and (2) from the facilities of Miles Laboratories, Inc., at or near Dayton, Ohio, to points in Arizona, California, Colorado, Connecticut, Kansas, Massachusetts, Missouri, Nevada, New Mexico, New York, Oregon, Pennsylvania, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140053 (Sub-No. 3), filed September 19, 1977. Applicant: TRK TRANS, INC., 8301 Florence Avenue, Suite 205, Downey, Calif. 90240. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fireplaces, barbecues, grills*, and *ventilators*; and (2) *parts and accessories*, for the commodities in (1) above, from Union City, Tenn., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Mobex Corp. of Fullerton, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 140389 (Sub-No. 19), filed September 23, 1977. Applicant: Osborn Transportation, Inc., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 1830, Gadsden, Ala. 35902. Authority sought to operate as a *Common Carrier* over Irregular Routes, transporting: *Rugs, Carpets*, and *Carpeting* from Winchester, Tenn., to points in Arizona, California, Colorado, Montana, Nevada, New Mexico, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 140389 (Sub-No. 20), filed September 23, 1977. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 1830, Gadsden, Ala. 35902. Authority sought to operate as a *common carrier* 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 the plantsites and storage facilities of Swift & Co., plants located at or near Omaha, Nebr., and Glenwood, Sioux City, Des Moines, and Marshalltown, Iowa, to points in Tennessee, North Carolina, South Carolina, Alabama, Florida, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant

requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 140501 (Sub-No. 3), filed September 19, 1977. Applicant: Edward Cramblett, d.b.a. ED CRAMBLETT TRUCKING, Post Office Box 477, Scio, Ohio 43988. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, Post Office Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Refractory and Insulation Material* and *Fireplace Logs*, between Sherrodsville, Ohio, on the one hand, and, on the other, points in the United States in and east of Wisconsin, Illinois, Missouri, Tennessee, and Mississippi, under a continuing contract or contracts with Richard A. Richardson, d.b.a. Re-Fab Industries, Sherrodsville, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 140612 (Sub-No. 33), filed September 19, 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*, from Webster City and Fort Dodge, Iowa, to points in Washington, Oregon, California, Utah, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Nevada, Florida, Montana, Idaho, Wyoming, Kentucky, Tennessee, North Carolina, and South Carolina; (2) *Appliances* and *parts* for appliances, from Ft. Dodge and Webster City, Iowa, to Des Plaines, Illinois, and Milwaukee, Wisconsin; and (3) *Parts, materials*, and *supplies* used in the manufacture, distribution or repair of appliances from Milwaukee, Wisconsin, to Fort Dodge and Webster City, Iowa. Restriction: Restricted in parts (1) and (2) above to the transportation of traffic originating at the facilities of, or utilized by, the Franklin Manufacturing Co., at Fort Dodge and Webster City, Iowa, and destined to points in the described destination areas, and restricted in part (3) above to the transportation of traffic originating at Milwaukee, Wis., and destined to the facilities of, or utilized by, Franklin Manufacturing Co., at Fort Dodge and Webster City, Iowa.

NOTE.—By the instant application, applicant seeks conversion of motor contract carrier authority held in No. MC 138003 (Sub-No. 2), MC 138003 (Sub-No. 4), and MC 138003 (Sub-No. 9). 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 140665 (Sub-No. 15), filed September 19, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal plastic or glass coatings; porcelain materials; clay or clay products; paint; color additives; chemicals; plastic materials; ceramic materials; insulating materials; glassware; refractories; fiberglass; furnace or kiln supplies; highway or safety marking equipment and supplies;* and *materials and supplies used in the production or marketing of the above commodities* (except commodities in bulk), between the facilities of the Ferro Corp., located in Plymouth, Ind.; Toledo, Ohio; Ogdensburg, East Rochester, and Buffalo, N.Y., on the one hand, and, on the other, points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Washington, D.C. Common control may be involved.

No. MC 141773 (Sub-No. 3), filed September 19, 1977. Applicant: Thermo Transport, Inc., 156 East Market Street, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: iron and steel articles, from the plantsites and warehouse facilities of Jones & Laughlin Steel Corp. at Indianapolis, Ind., Aliquippa, Pa., and Youngstown and Louisville, Ohio, to points in Arizona, California, Oregon, and Washington, under a continuing contract, or contracts, with Jones & Laughlin Steel Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 142070 (Sub-No. 3), filed September 2, 1977. Applicant: NEW HAMPSHIRE SECURITY GUARD SERVICE, INC., 548 Mast Road, Manchester, N.H. 03102. Applicant's representative: Arthur R. Bussiere (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *checks* (not cancelled), *non-negotiable documents* for computer processing; inter-company correspondence and computer printed reports between Bank of New Hampshire, N.A. located at Manchester, N.H. and the Federal Reserve Bank; and Shawmut National Bank located at Boston, Mass. and State Street Bank located at Quincy, Mass., under a continuing contract or contracts with Bank of New Hampshire, N.A.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H. or Boston, Mass.

No. 142189 (Sub-No. 20), filed September 19, 1977. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Ave., Baker, Mont. 59313. Applicant's representative: C. M. Burns, P.O. Box 980, Baker, Mont. 59313. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, in the transportation of *Chemicals*, from Great Falls and Billings, Mont., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 142205 (Sub-No. 7), filed September 19, 1977. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, Va. 22075. Applicant's representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Custom upholstered furniture* from Sterling, Va., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) *Returned or rejected upholstered furniture and equipment, materials and supplies used in the manufacture of custom upholstered furniture*, from the destination States listed in (1) above, to Sterling, Va., under a continuing contract or contracts with Metro Manufacturing Co. of Herndon, Va.

NOTE.—Appplicant holds motor common carrier authority in No. MC 43165 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 142612 (Sub-No. 3), filed September 9, 1977. Applicant: LONNIE KEENER, Box 551, Sublette, Kans. 67877. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation pipe and irrigation equipment*, from Garden City, and Sublette, Kans., to points in Oklahoma west of U.S. Highway 81 and north of Interstate Highway 40; points in Texas north of Interstate Highway 40; points in Colorado south of Interstate Highway 70 and each of Interstate Highway 25 and points in Nebraska west of U.S. Highway 281 and York, Nebraska, under a continuing contract or contracts with Geis Irrigation Company, Inc.; (2) *plastic pipe and plastic pipe accessories*, from Garden City and Ulysses, Kans., to points in Colorado, Nebraska, Oklahoma, Texas, New Mexico, Wyoming, and Arkansas, under a continuing contract or contracts with Peerless Plastics, Inc.; and (3) *commodities used in the manufacture of plastic pipe and plastic pipe accessories* from Dallas and Houston, Tex., to Garden City, Kans., under a continuing contract or contracts with Peerless Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 142716 (Sub-No. 3), filed September 23, 1977. Applicant: C & L TRUCKING, INC., 1609 27th St. NW., Cedar Rapids, Iowa 52405. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc., located at or near Albany, Ill., to points in Iowa, Illinois, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 142864 (Sub-No. 1), filed September 22, 1977. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foodstuffs*, from Deerfield and Chicago, Illinois, to points in Ohio.

NOTE.—Applicant holds motor contract carrier authority in MC 125035 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 142984, filed September 7, 1977. Applicant: ALFRED H. COVINGTON, Route 611 & Farmschool Road, Ottsville, Pa. 18942. Applicant's representative: Peter Kulish, Box 470 R.D. 1, Upper Black Eddy, Pa. 18972. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Disabled vehicles, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 143003 (Sub-No. 1), filed August 23, 1977. Applicant: GEORGE L. MORROW TRUCKING COMPANY, INC., P.O. Box 916, Raymondville, Tex. 78580. Applicant's representative: George L. Morrow, P.O. Box 916, Raymondville, Tex. 78580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting citrus pulp and pellets in bulk between points in Cameron and Hidalgo Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 143121 (Sub-No. 4), filed: August 24, 1977. Applicant: TILLAMOOK CARRIERS, INC., 8023 E. Slausen Avenue, Montebello, Calif. 90640. Applicant's representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *such commodities as are dealt in by retail and chain grocery, hardware and drug stores;* and (2) *materials and supplies* used in the manufacture and distribution of such commodities as follows: (1) Between the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Chicago, Ill. and Los Angeles, Calif., and points in Iowa; Kansas City, Mo.; Denver, Colo.; Salt Lake City, Utah; a non-radial movement; and (2) From the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Chicago, Ill. to Portland, Oreg.; Fargo, N. Dak., and points in Montana, Wyoming, Idaho, Washington, and Oregon; and (3) From Portland, Oreg. to points in Montana, Wyoming, Idaho, Washington, and Oregon; and (4) From the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Los Angeles, Calif., to points in Idaho, Montana, Oregon, and Washington; and (5) From the facilities of Peterson-Puritan Company and Aerosol Techniques located in Danville, Ill. to the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Chicago, Ill. and Los Angeles, Calif.; and (6) From the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Cranford, N.J. to its plant and warehouse facilities in Canton, Ohio, and Chicago, Ill.; and (7) From the plant and warehouse facilities of Boyle-Midway Division of American Home Products in Canton, Ohio, to its plant and warehouse facilities in Chicago, Illinois, under a continuing contract or contracts with Boyle-Midway Division of American Home Products in (1) thru (7) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or New York City, N.Y.

No. MC 143227 (Sub-No. 2), filed September 21, 1977. Applicant: GARLAND L. ENOX, 409 Ash Lane, Euless, Tex. 76039. Applicant's representative: Richard T. Churchill, 3000 Sandage Street, Fort Worth, Tex. 76109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Oilfield equipment and related equipment, materials and supplies, and business and accounting documents, between the facilities of Otis Engineering Corp. at Carrollton, Tex., and Lake Charles, New Iberia, Patterson, Houma, and Belle Chasse, La., in non-radial movement, under a continuing contract, or contracts, with Otis Engineering Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth, or Dallas, Tex.

No. MC 143231 (Sub-No. 1), filed September 21, 1977. Applicant: J. H. LAFAYETTE, doing business as SKYLINE EXPRESS, Route 2, Box 325-27, Cornelius, Oreg. 97113. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Canned grape, apple, cranberry juice and sauce, from Grandview, Wash., to points in California, under a continuing contract, or contracts, with Yakima Valley Grape Producers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 143388 (Sub-No. 1), filed September 22, 1977. Applicant: MORRIS L. WEST, doing business as WEST DELIVERY SERVICE, Route 7, Greer, S.C. 29651. Applicant's representative: Ronald F. Barbare, 635 N. Academy St., Greenville, S.C. 29601. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: Pharmaceutical and drug supplies, between Spartanburg, S.C., on the one hand, and, on the other, points in North Carolina, under a continuing contract or contracts with The Geer Drug Co. of Spartanburg, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Greenville or Columbia, S.C.

No. MC 143389 (Sub-No. 1), filed September 22, 1977. Applicant: MERCHANTS DUTCH EXPRESS, INC., Post Office Box 2525, 700 Pine Street, Monroe, La. 72107. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail discount stores, between Monroe, La., on the one hand, and on the other, points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, Indiana, Illinois, Ohio, and Kansas, the service to be authorized herein to be performed under a continuing contract or contracts with Howard Bros. Discount Stores, Inc., Monroe, La.

NOTE.—If a hearing is deemed to be necessary, the applicant requests that it be held at New Orleans, La.

No. MC 143423 (Sub-No. 2), filed September 19, 1977. Applicant: WILLIAM T. AUSTIN, doing business as AUSTIN TRUCKING CO., Route 5, Box 249, Decatur, Ala. 35601. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Gramercy, La., to Decatur, Ala.; and (2) from Decatur, Ala., to points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, under a continuing contract, or contracts, with VIPCO, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, or Decatur, Ala.

No. MC 143423 (Sub-No. 3), filed September 19, 1977. Applicant: WILLIAM T. AUSTIN, doing business as AUSTIN TRUCKING CO., Route 5, Box 249, Decatur, Ala. 35601. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting paint coatings, resins, and adhesives from plant sites of

Whittaker Coatings and Chemicals in Chicago, Ill.; Rockdale, Ill., Los Angeles, Calif.; West Alexandria, Ohio; Decatur, Ala.; Lenoir, N.C.; Minneapolis, Minn.; Gardena, Calif.; and Wooster, Ohio to points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and raw materials used in the manufacture of said products from all states above named to all plant sites above named, all under contract with Whittaker Coatings and Chemicals, located at Decatur, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala. or Decatur, Ala.

No. MC 143423 (Sub-No. 4), filed September 19, 1977. Applicant: WILLIAM T. AUSTIN, doing business as AUSTIN TRUCKING CO., Route 5, Box 249, Decatur, Ala. 35601. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting electrical wire cable and insulated copper wire from the plant site of Cerro Wire and Cable Co., Division of Cerro Corp., located at Hartselle, Ala., to points in Georgia, Indiana, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, Illinois, South Carolina, Florida, Kentucky, Michigan, Pennsylvania, and New York, under a continuing contract or contracts with Cerro Wire and Cable Co., of Decatur, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala. or Decatur, Ala.

Docket No. MC 143579 (Sub-No. 2), filed: September 19, 1977. Applicant: MONT TRUCKING, INC., 2023 North 2450 West, Salt Lake City, Utah 84116. Applicant's representative: D. Michael Jorgensen, Post Office Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting burned clay products and related installation materials, between points in Arizona, New Mexico, Texas, Montana, California, Washington, Oregon, Idaho, Utah, Colorado, Wyoming, and Nevada under a continuing contract or contracts with Interstate Brick located at West Jordan, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salt Lake City, Utah or Washington, D.C.

No. MC 143583 (Sub-No. 2), filed Sept. 23, 1977. Applicant: M. H. HEATON, INC., Thurston Road, Gloucester, Mass. 10930. Applicant's representative: Frank M. Cushman, 36 South Main Street, Sharon, Mass. 02067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles in crates, parts and accessories*, when transported with the original units in crates, in specially designed flat bed trailers from Lawrence, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under a continuing contract or contracts with Kawasaki Motors Corp., at Grand Rapids, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 143648 (Sub-No. 1), filed: September 12, 1977. Applicant: CORALVILLE TRANSPORT, INC., R.R. No. 1, Lamont, Iowa 50650. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc., at or near Albany, Ill., to points in Iowa, Wisconsin, Illinois, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or St. Paul, Minn.

No. MC 143670 (Sub-No. 1), filed September 23, 1977. Applicant: HAPPY HAULERS, LTD., 315 A Avenue East, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc., located at or near Albany, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill., or Des Moines, Iowa.

No. MC 143681 (Sub-No. 2), filed September 19, 1977. Applicant: S & S CONTRACT CARRIERS, INC., P.O. Box 497, Royce City, Tex. 75089. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex .76107. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Hand blown glassware for lighting fixtures*, from the facilities of Decatur Glass Works, Division of Kidde Consumer Durables Corp., at Decatur, Tex., to Compton and Los Angeles, Calif.; Berwick and Philadelphia, Pa.; Linden, N.J.; and Kosciusko, Miss., under continuing contract, or contracts, with Decatur Glass Works, Division of Kidde Consumer Durables Corp., Decatur, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 143704, filed September 12, 1977. Applicant: CARDINAL VAN & STORAGE, INC., P.O. Box 764, Radcliff, Ky. 40160. Applicants' representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *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 shipments 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.—If a hearing is deemed necessary, applicant requests that it be held at Radcliff, Ky. Common control may be involved.

No. MC 143722, filed September 12, 1977. Applicant: G & L FOWLER, INC., Route 1, Box 687, Willamina, Oreg. 97396. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Pellets*, compressed waste, in bulk; from the plantsite of Woodex, Inc., at or near Brownsville, Oreg., to points in Washington, under a continuing contract or contracts with Woodex, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 143723, filed September 14, 1977. Applicant: WILLIAM E. BOSSERMAN, R.D. No. 1, New Oxford, Pa. 17350. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone*, in bulk, in spreader vehicles or spreader vehicle combinations providing application to the soil, from facilities and sales origins utilized by the J. E. Baker Co. in York County, Pa., to points in Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 143724, filed September 14, 1977. Applicant: CHARLES E. HERR d.b.a. Charles E. Herr & Son, 10 Commerce Street, New Oxford, Pa. 17350. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone*, in bulk, in spreader vehicles or spreader vehicle combinations providing direct application to the soil, from facilities and sales origins utilized by the J. E. Baker Co. in York County, Pa., to points in Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 143725, filed September 14, 1977. Applicant: DALE L. INNERST, R.D. No. 2, Seven Valleys, Pa. 17360. Ap-

plicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone*, in bulk, in spreader vehicles or spreader vehicle combinations providing direct application to the soil, from facilities and sales origins utilized by the J. E. Baker Co. in York County, Pa., to points in Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 143726, filed September 14, 1977. Applicant: JAMES M. NORTON, White Hall, Md. 21161. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pulverized limestone*, in bulk, in spreader vehicles or spreader vehicle combinations providing direct application to the soil, from facilities and sales origins utilized by the J. E. Baker Co. in York County, Pa., to points in Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 143733, filed September 19, 1977. Applicant: DAVIE DES ROCHER SAND CO., a corporation, 3660 North west North River Drive, Miami, Fla. 33142. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, over irregular routes transporting: *Road building and construction aggregates*, between Carlton County, Ga., on the one hand, and, on the other, points in Nassau, Clay, Duvall, and Putnam Counties, Fla., under a continuing contract, or contracts, with Des Rocher Sand Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 143734, filed September 19, 1977. Applicant: CALVIN DRAGANO, INC., Box 361, Milton, Pa. 17847. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Vineland, N.J., and points in that part of Pennsylvania east of U.S. Highway 15 to the plantsite of Vulcan Materials Co. at Sparrows Point, Md., under a continuing contract with Vulcan Materials Co. of Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 143735, filed September 19, 1977. Applicant: HILL'S MOVING & STORAGE CO., INC., P.O. Box 2041, Five Points-Saks, Anniston, Ala. 36202. Applicant's representative: B. W. La Tourette, Jr., 11 South Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* in containers, restricted to shipments having a prior or subsequent movement by surface or air, between points in Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Cullman, DeKalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pikens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Ala., in nonradial movement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Anniston, Birmingham, or Gadsden, Ala.

No. MC 143736, filed September 19, 1977. Applicant: BACH, BELCHER & COCHRAN TRUCKING, INC., doing business as B. B. & C. Trucking, 9630 Highway 80 West, Fort Worth, Tex. 76116. Applicant's representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, Tex. 76112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic sheets, and reground plastic*, from Dallas, Tex., to Chicago, Ill., Kansas City, Mo., and Newbury, Ohio; and *plastic granules and plastic scrap* from Ottawa and Joliet, Ill., Newbury, Ohio, and Parkersburg, W. Va., to Dallas, Tex., under a continuing contract, or contracts, with Alchem Plastics Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fort Worth or Dallas, Tex.

No. MC 143737, filed September 19, 1977. Applicant: WHITE TRANSFER & STORAGE CO., INC., P.O. Box 1355, Fort Dodge, Iowa 50501. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Iowa (except the Counties of Muscatine, Scott, Clinton, Jackson, Dubuque and Louisa), restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized and to the performance of pick-up 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 to be held at Fort Dodge, Iowa.

No. MC 143740 (Sub-No. 1), filed September 19, 1977. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and pre-mixed windshield washer anti-freeze solvent preparation*, from Rochester, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, Ohio, and District of Columbia, under a continuing contract or contracts with Kleen Brite Chemical Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 135454 (Sub. 5) and subs thereunder, therefore dual operations may be involved in a hearing is deemed necessary, the applicant requests it to be held at either New York or Syracuse, N.Y.

No. MC 143741, filed September 19, 1977. Applicant: WILLIAMS BROTHERS TRUCKING, INC., P.O. Box 188, Hazelhurst, Ga. 31539. Applicant's representative: Wm. Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet materials, wood chips, sawdust, and materials and supplies* (except commodities in bulk) used in the manufacture of pallets between points in Jeff Davis County, Ga., on the one hand, and, on the other to points in Florida and South Carolina.

NOTE.—If a hearing is deemed necessary applicant requests that it be held in Atlanta, Ga.

No. MC 143749, filed September 19, 1977. Applicant: LEE GARWOOD and EDWARD LEE GARWOOD, doing business as Garwood Wrecker Service, Route 3, Nevada, Mo. 64772. Applicant's representative: Nicholas L. Swischer, P.O. Box 565, Nevada, Mo. 64772. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and trailers*, in towaway service, (1) from Vernon County, Mo., to points in Kansas, Iowa, North Dakota, South Dakota, Nebraska, Indiana, Minnesota, Ohio, Kentucky, Tennessee, Arkansas, Oklahoma, Alabama, Mississippi, Louisiana, Texas, Illinois, and Colorado; and (2) from points in the destination states named in (1) above, to points in Vernon and Bates Counties, Mo., and Bourbon County, Kans., restricted in (1) above to traffic originating at Vernon County, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 143750, filed September 21, 1977. Applicant: LONGVIEW STORAGE CO., a corporation, Rural Route No. 4, Elizabethtown, Ky. 42701. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *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 shipments: 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.—If a hearing is deemed necessary, applicant requests that it be held at Elizabethtown, Ky. Common control may be involved.

No. MC 143751, filed September 22, 1977. Applicant: BEST TRANSPORT, INC., P.O. Drawer 1001, San Antonio, Tex. 78294. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Building, Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Lumber, lumber products, lumber mill products, forest products, and millwork* between points in Texas on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas. Restricted against the transporation of commodities in bulk and restricted to a transportation service to be performed under a continuing contract or contracts with Vaughan & Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Antonio or Houston, Tex.

No. MC 143757, filed September 22, 1977. Applicant: HERBERT J. FITZPATRICK, 14953 Canary Drive, Surrey, British Columbia, Canada V3R 4V2. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Truck campers, canopy tops and motor home bodies*, from Ferndale, Wash., to points on the United States-Canada boundary line located at or near Blaine, Wash., restricted to foreign commerce only for delivery in British Columbia, or Alberta, Canada, under a continuing contract or contracts with Ferndale Recreational Mfg., Inc., of Ferndale, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 143758, filed September 23, 1977. Applicant: KNOWLES TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Traffic marking paints*, from the plantsite and warehouse facilities of William Armstrong Smith Co. at East Point, Ga., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies used in the manufacture and distribution of traffic marking paints*, from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of William Armstrong Smith Co. at East Point, Ga., under a continuing contract or contracts with William Armstrong Smith Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

PASSENGERS

MC 41905 (Sub-No. 5), filed September 22, 1977. Applicant: ILLINI-SWALLOW LINES, INC., 118–120 South Walnut, Champaign, Ill. 61820. Applicant's representative: Robert J. Corber, 1747 Pennsylvania Ave. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, in one-way and roundtrip sightseeing and pleasure tours, originating at St. Louis, Mo., Milwaukee, Wis., points in Illinois and points in Indiana within the area delineated by U.S. Highway 224 at the Ohio-Indiana State line to Huntington, thence along U.S. Highway 24 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line, and thence along the Indiana-Ohio State line to the point of beginning, and extending to points in the United States (including Alaska, but excluding Hawaii); and, in charter operations, originating and terminating at points in Indiana within the area delineated by U.S. Highway 224 at the Ohio-Indiana State line to Huntington, thence along U.S. Highway 24 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line, and thence along the Indiana-Ohio State line to the point of beginning, and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, applicant requests that it be held in Champaign, Ill.; Chicago, Ill.; or Indianapolis, Ind.

No. MC 108204 (Sub-No. 5), filed September 19, 1977. Applicant: VANCOUVER TOURS AND TRANSIT LIMITED, doing business as Vancouver Tours & Transit, Ltd., 11645–130th St., Surrey, B.C., Canada 43R 2Y2. Applicant's representative: Henry C. Winters, 15 South Grady Way—Suite 235, Renton, Wash. 98055. Authority sought to act as a *common carrier* by motor vehicle over irregular routes, transporting: *Passengers and their baggage* in same vehicle with passengers, in round trip charter or special operations, beginning and ending at those ports of entry on the United States-Canada boundary line located in Blaine, Lynden, or Oroville, Wash., and extending to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Alaska. Restricted to the conduct of operations originating and terminating within the Province of British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Seattle, Wash.

No. MC 143515 (Sub-No. 2), filed September 15, 1977. Applicant: P & W CHARTER SERVICE, INC., 2710 South 34th Avenue, Yakima, Wash. 98902. Applicant's representative: Charles C. Flower, 303 East "D" St.—Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip charter operations, between points in Adams, Benton, Chelan, Franklin, Grant, Kittitas, Klickitat, Whitman, Walla Walla, and Yakima Counties, Wash., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Idaho, Montana, and Washington; and (2) *illegal aliens and their baggage*, in custody of U.S. Immigration and Naturalization Service, from points in Washington to Calexico, Calif., in one-way charter operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash.

No. MC 143613, filed August 17, 1977. Applicant: SHAMROCK LIMOUSINE, INC., 4304 Miller Road, Apartment 107, Wilmington, Del. 19802. Applicant's representative: Norman N. Aerenson, 604 Farmers Bank Building, 10th and Market Streets, Wilmington, Del. 19801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, of *passengers and their baggage*, in special and charter operations in door-to-door pick-up service from points in New Castle County, Del., to Atlantic City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.

No. MC 143752, filed September 22, 1977. Applicant: Autobuses De Oriente, A.D.O., S.A. de C.V., a Mexican corporation, Sol No. 233, Col. Guerrero, Mexico 3, D.F. Applicant's representative: D. Paul Stafford, Post Office Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: passengers and their baggage, and express and newspapers, in the same vehicle with passengers: (1) between the port of entry on the international boundary line between the United States and the Republic of Mexico south of Brownsville, Tex., and Brownsville, Tex., over the Gateway Bridge, and restricted against the transportation of traffic originating at or destined to Matamoros, Tamaulipas, Mexico; and (2) between the port of entry on the international boundary line between the United States and the Republic of Mexico south of Hidalgo, Tex., and McAllen, Tex., serving no intermediate points: From the port of entry over the International Bridge to Hidalgo, thence over U.S. Highway 281 to junction Texas Highway 336, thence over Texas Highway 336 to McAllen, and return over the same route, restricted against the transportation of traffic originating at or destined to Reynosa, Tamaulipas, Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Brownsville, Tex.

BROKERS

No. MC 130077 (Sub-No. 2), filed August 12, 1977. Applicant: STAATS-HEROLD CORPORATION, doing business as STAATS-HEROLD TOURS, 36-30 37th Street, Long Island City, N.Y. 11101. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., and Philadelphia, Pa., to sell or offer to sell the transportation of passengers and their baggage in the same vehicle with passengers, as individuals and in groups, in special, pleasure and sight-seeing tours accompanied by German-English and French-English speaking tour guide, beginning and ending at points in Nassau, Suffolk, and Westchester Counties, N.Y., Philadelphia, Pa., and New Jersey and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 130453, filed June 27, 1977. Applicant: JAMES R. CRAWFORD, 609 Green Spring Drive, Gibsonia, Pa. 15044. Applicant's representative: Jerry Purcell, 2532 Oliver Building, Pittsburgh, Pa. 15222. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Gibsonia, Pa., to sell or offer to sell the transportation of *passengers who are elementary or secondary school children*, in educational tours, by motor carrier, from points in Allegheny, Armstrong, Beaver, Butler, Crawford, Lawrence, Washington, and Westmoreland Counties, Pa., to points in the United States including the District of Columbia, but excluding Alaska and Hawaii, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Pittsburgh, Pa., or Washington, D.C.

Docket No. MC 130465, filed October 20, 1977. Applicant: TRAVEL COORDINATORS, Inc., P.O. Box 836, Carbondale, Ill. 62901. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to engage in operation, in interstate or foreign commerce as a *broker* to sell or offer to sell the transportation by motor vehicle of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip, sight-seeing, or pleasure tours, beginning and ending at points in Missouri on and east of U.S. Highway 64; points in Illinois on and south of U.S. Highway 36; points in Kentucky on and west of U.S. Highway 41; and points in Posey and Vanderburgh Counties, Ind., and extending to points in the United States, including Alaska but excepting Hawaii. Applicant proposes to operate as a broker at the following locations: Carbondale, Ill.; Waterloo, Ill., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at St. Louis, Mo.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carries pusuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.-240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13203 (Correction) (ALLIED VAN LINES, INC., d.b.a. ALLIED VAN LINES—CONTROL—ELEVELD CHICAGO FURNITURE SERVICE, INC.), published in the May 12, 1977, issue of the FEDERAL REGISTER on page 24154 and the June 3, 1977, issue of the FEDERAL REGISTER on page 28654. Previous notices excluded portions of the operating authority because Eleveld Chicago Furniture Service, Inc., was a party to a pending application to purchase a portion of Clark Transfer, Inc. (MC-F-12565) and MC 87966 (Sub-No. 17), a gateway elemination proceeding which is related to MC-F-12565 and both cases were considered a single case. By Order served May 10, 1977, the authority sought was granted and that authority is *Store and bar fixtures and equipment, uncrated*, as a *common carrier* over irregular routes between Pittsburgh, Pa., and points in Illinois, Indiana, Wisconsin, Michigan, and Ohio, on the one hand, and, on the other, points in the United States in and west of the States of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Minnesota, Nebraska, Alaska, and Hawaii); between points in Illinois, Wisconsin, Iowa, those in Indiana on and west of U.S. Highway 31, those in Michigan on and south of Interstate Highway 96 and on and west of Interstate Highway 69 (except Grand Rapids, Lansing, Battle Creek, and Plainwell), and those in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission in 1 MCC 656, on the one hand, and, on the other, points in the United States in and east of the States of Michigan, Indiana, Kentucky, Tennessee, and Mississippi; *Store fixtures*, from Pittsburgh, Pa., and points in Illinois, Indiana, Wisconsin, Michigan, and Ohio, to points in Illinois, Wisconsin, Iowa, Missouri, Tennessee, and Kentucky; from points in Illinois, Wisconsin, and Iowa, those in Indiana on and west of U.S. Highway 31, those in Michigan on and south of Interstate Highway 96 and on and west of Interstate Highway 69 (except Grand Rapids, Lansing, Battle Creek, and Plainwell), and those in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission in 1 MCC 656 to points in Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky.

New store, restaurant, and bar furniture, uncrated, from Grand Rapids, Mich., to points in the United States in and west of the States of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Minnesota, Nebraska, Alaska, and Hawaii); *New store furniture*, from Grand Rapids, Mich., to points in Illinois, Wisconsin, Iowa, Missouri, Tennessee, and Kentucky; *Store fixtures, uncrated*, as described in Appendix III to the report in Descriptions in Motor Carrier Certificates, 60 MCC 209 and 275, between the plantsite and facilities of Packerland Woodworking Co., a subsidiary of Capitol Fixtures & Construction Corp., at or near Peshtigo, Wisc., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *Store fixtures*, as described in Appendix III to the report in Descriptions in Motor Carrier Certificates, 60 MCC 209 and 275, from the plantsite and facilities of Packerland Woodworking Co., a subsidiary of Capitol Fixtures & Construction Corp., at or near Peshtigo, Wisc., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky; *Store fixtures, uncrated*, from points in United States in and west of the States of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Minnesota and Nebraska, Alaska, and Hawaii), to points in the States of Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky; *Store fixtures, uncrated*, from points in the United States in and west of the States of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Minnesota and Nebraska, Alaska, and Hawaii), to points in the States of Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky; from points in the United States in and east of the States of Indiana, Kentucky, Tennessee, and Mississippi, to points in Illinois, Wisconsin, Iowa, Missouri, Indiana, Michigan, Tennessee, and Kentucky.

No. MC-F-13328. (Correction) (LARAMIE, INC.—PURCHASE (PORTION)—BARNEY KOSOFSKY d.b.a. BARNEY'S CARTAGE CO.), published in the September 22, 1977, issue of the FEDERAL REGISTER on page 47934. Previous notice should have read as follows: Vendee is authorized to operate as a *common carrier* in the *State of Michigan*.

No. MC-F-13375. Authority sought for purchase by RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, Va. 24153, of a portion of the operating

rights of Glosson Motor Lines, Inc. (Charles E. Herbert, Trustee in Bankruptcy, through assignment from B&P Motor Lines, Inc.), P.O. Box 727, Forest City, N.C. 28043, and for acquisition by Bill B. Bumgarner, Berkeley H. Riley, and Vernon S. Church, all of 444 Glenmore Drive, Salem, Va. 24153, of control of such rights through the transaction. Applicants' attorneys: Liniel G. Gregory, Jr., Vice President, Traffic and Commerce, 444 Glenmore Drive, Salem, Va. 24153, and Assignor is represented by Clyde W. Carver, Esq., 5299 Roswell Road, Suite 212, Atlanta, Ga. 30342. Operating rights sought to be transferred: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Roanoke, Va., to Winston-Salem, N.C., with no transportation for compensation on return except as otherwise authorized, from Christiansburg, Va., to Salisbury and Winston-Salem, N.C., with no transportation for compensation on return except as otherwise authorized. Compressed gas, from Richmond, Va., to Charlotte, N.C., with no transportation for compensation on return except as otherwise authorized. Empty compressed gas containers, from Charlotte and Salisbury, N.C., to Richmond, Va., with no transportation for compensation on return except as otherwise authorized. Cotton piece goods, monumental stone, store fixtures, eggs and poultry, between points in Virginia within 150 miles of Salisbury, N.C., including Salisbury. Empty glass containers, from Elmira, N.Y., to points in Virginia, with no transportation for compensation on return except as otherwise authorized. Petroleum products, in containers, and service station equipment, from Roanoke and Richmond, Va., points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Allegheny Counties. Vendee is authorized to operate as a *common carrier* in Delaware, the District of Columbia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—MC 68860 (Sub-No. 27), is a directly related matter. By application in MC–13392 on pending before this Commission B&P Motor Lines, Inc., seeks to purchase a portion of the operating rights of Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy. The instant transaction evolves from an assignment to transferee by B&P Motor Lines, Inc., of a portion of its rights to purchase those Glosson authorities sought to be acquired in MC–F–13992.

No. MC–F–13384. Authority sought for purchase by McLEAN TRUCKING CO., 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102, of a portion of the operating rights of ET & WNC Transportation Co., 132 Legion Street, Johnson City, Tenn. 37601. Applicant's attorney: Francis W. McInerny, Esquire, Macdonald & McInerny, 100 16th Street NW., Washington, D.C. 20036. Operating rights sought to be purchased: (1) *General commodities*, with exceptions, as a *common carrier* over regular routes: (a) Between Memphis, Tenn., and Little Rock, Ark., serving all intermediate points; from Memphis over U.S. Highway 70 to Little Rock, and return over the same route; (b) between Memphis, Tenn., and Jonesboro, Ark., serving all intermediate points; from Memphis over U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 63 to Jonesboro, and return over the same route; (c) between Memphis, Tenn., and Blytheville, Ark., serving all intermediate points; from Memphis over U.S. Highway 61 to Blytheville, and return over the same route; (d) between Memphis, Tenn., and Greenwood, Miss., serving all intermediate points; from Memphis over U.S. Highway 61 to Clarksdale, Miss., thence over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Greenwood, and return over the same route; from Memphis over the above-described route to Tutwiler, thence over U.S. Highway 49W to junction U.S. Highway 82, thence over U.S. Highway 82 to Indianola, Miss., thence return over U.S. Highway 82 to junction U.S. Highway 49W, thence continuing over U.S. Highway 82 to Greenwood, and return over the same route; (e) between Memphis, Tenn., and Greenville, Miss., serving all intermediate points; from Memphis over U.S. Highway 61 to Leland, Miss., thence over U.S. Highway 82 via Indianola, Miss., to Greenville, and return over the same route.

(f) Between Augusta, Ark., and Tupelo, Ark., serving all intermediate points; from Augusta over Arkansas Highway 17 (formerly shown as Arkansas Highway 333), to Tupelo, and return over the same route; (g) between Jonesboro, Ark., and Osceola, Ark., serving all intermediate points; from Jonesboro over Arkansas Highway 18 to Grubbs, Ark., thence over Arkansas Highway 37 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to junction of U.S. Highway 63, thence over U.S. Highway 63 to Marked Tree, Ark., thence over Arkansas Highway 140 (formerly Arkansas Highway 40), to Osceola, and return over the same route; (h) between Jonesboro, Ark., and Hickory Ridge, Ark., serving all intermediate points; from Jonesboro over Arkansas Highway 39 to Hickory Ridge, and return over the same route; (i) between Jonesboro, Ark., and Wynne, Ark., serving all intermediate points; from Jonesboro over Arkansas Highway 1 to Wynne, and return over the same route; (j) between Wilson, Ark., and Dyess, Ark., serving all intermediate points; from Wilson over Arkansas Highway 181 (formerly unnumbered highway) to Marie, Ark., thence over Arkansas Highway 14 (formerly unnumbered highway) to junction unnumbered highway near Dyess, thence over unnumbered highway to Dyess, and return over the same route; (k) between Ruleville, Miss., and Cleveland, Miss., serving all intermediate points; from Ruleville over Mississippi Highway 8 to Cleveland, and return over the same route: (1) Serving the off-route points of Caraway, Heth, Lester, Madison, Proctor, Round Pond, Camp Joseph T. Robinson, Shugtown, and Widener, Ark., and Clover Hill, Coahoma, Dubbs, Friar Point, Highlandale, Jonestown, Rudyard, Schlater, Stoneville, Stoval, and Winterville, Miss., in connection with the above-specified routes; (2) *General commodities*, with exceptions, (a) between Greenville, Miss., and the site of the U.S. Government Airport, approximately five miles northeast of Greenville, Miss., serving intermediate and off-route points within two miles of the site of the U.S. Government Airport; from Greenville over Mississippi Highway 1 to junction unnumbered highway near Metcalfe, Miss., thence over unnumbered highway via Metcalfe to the site of the U.S. Government Airport, approximately five miles northeast of Greenville, and return over the same route.

(3) *General commodities*, with exceptions, (a) Between Greenville, Miss., and West Monroe, La., serving all intermediate points; from Greenville over U.S. Highway 82 to junction U.S. Highway 165, thence over U.S. Highway 165 to Monroe, La., thence over U.S. Highway 80 to West Monroe, and return over the same route, with restriction; (4) *General commodities*, with exceptions: (a) Between Pine Bluff, Ark., and the Arkansas-Louisiana State line, serving all intermediate points; From Pine Bluff over U.S. Highway 65 to the Arkansas-Louisiana State line, and return over the same route; (b) between Lake Village, Ark., and Greenville, Miss., serving all intermediate points; from Lake Village over U.S. Highway 82 to Greenville, and return over the same route; (c) between junction U.S. Highway 65 and 165 at or near Dermott, Ark., and West Crossett, Ark., serving all intermediate points; from junction U.S. Highway 65 and 165 over U.S. Highway 165 to junction U.S. Highway 82, and thence over U.S. Highway 82 to West Crossett, and return over the same route; (d) between Pine Bluff, Ark., and Warren, Ark., serving all intermediate points; from Pine Bluff over Arkansas Highway 15 to Warren, and return over the same route. Restriction: The regular-route authority granted in Section (4) above is subject to the following conditions. Said authority is restricted against tacking directly or indirectly with any authority presently held by the carrier for the purpose of performing any through service on traffic: (1) originating at or moving through the Memphis, Tenn., Commercial Zone as defined by the Commission, and destined to Greenville, Miss., or (2) originating at Treenville, Miss., destined to or moving through Memphis, Tenn., Commercial Zone, as defined by the Commission. Said authority is limited to the transportation of shipments moving from, to, or through Pine Bluff, Ark., or Greenville, Miss. The regular-route authority granted in Section (4) herein-

above shall not be severable, by sale or otherwise, from the underlying irregular route authority described herein below; (5) *Seed, newsprint, paper, paper bags, and paper cups,* from Memphis, Tenn., to Altheimer, Ark., serving no intermediate points; from Memphis, over U.S. Highway 70 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, Ark., thence over U.S. Highway 79 to Altheimer, and return over the same route with no transportation for compensation except as otherwise authorized; (6) *Rice and rice products,* from Stuttgart, Ark., to Memphis, Tenn., serving no intermediate points; from Stuttgart over route, as specified next above, to Memphis, and return over the same route with no transportation for compensation except as otherwise authorized.

(7) *General commodities,* with exceptions: (a) Between Pine Bluff, Ark., and Memphis, Tenn., serving no intermediate points; from Pine Bluff, over U.S. Highway 79 to Altheimer, Ark., thence as specified above to Memphis, and return over the same route; (8) *General commodities,* with exceptions: (a) Between Pine Bluff, Ark., and the Pine Bluff Municipal Airport, Ark., serving no intermediate points; from Pine Bluff over U.S. Highway 65 to junction unnumbered highway, thence over unnumbered highway to Pine Bluff Municipal Airport, and return over the same route; (9) *General commodities,* with exceptions: (a) Between Little Rock, Ark., and Pine Bluff, Ark., serving all intermediate points, and the off-route point of Baldwin, Ark.; from Little Rock over U.S. Highway 65 to Pine Bluff, and return over the same route. Restriction: Service at Little Rock, Ark., and points in the commercial zone thereof, as defined by the Commission, is restricted against the pick-up, interchange, or delivery of shipments moving to, from, or through Memphis, Tenn., and points in the commercial zone thereof, as defined by the Commission; (10) *General commodities,* with exceptions: (a) Between Pine Bluff, Ark., and the site of Lock and Dam No. 3 on the Arkansas River (near Swan Lake, Ark.), serving no intermediate points; from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 88, thence over Arkansas Highway 88 to junction unnumbered access road, and thence over unnumbered access road to the site of Lock and Dam No. 3, and return over the same route; from Pine Bluff over U.S. Highway 79 to junction County Road 53 and Arkansas Highway 88, to junction unnumbered access road, and thence over unnumbered access road to the site of Lock and Dam No. 3, and return over the same route.

(b) Between Pine Bluff, Ark., and the site of Lock and Dam No. 4 on the Arkansas River (near Swan Lake, Ark.), serving no intermediate points; from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 88, thence over Arkansas Highway 88 to junction County Road 53, thence over County Road 53 to junction unnumbered access road, and thence over unnumbered access road to the site of Lock and Dam No. 4 and return over the same route; from Pine Bluff over U.S. Highway 79 to junction County Road 53, thence over County Road 53 to junction unnumbered access road, and thence over unnumbered access road to the site of Lock and Dam No. 4, and return over the same route; (11) *General commodities,* with exceptions: (a) Between Pine Bluff, Ark., and West Monroe, La., serving Bastrop, La., and Monroe, La., as intermediate points and also serving Greenville, Miss., and points in that part of Arkansas bounded by a line beginning at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the east bank of the Ouachita River (approximately five miles east of Huttig, Ark.), thence along the east bank of the Ouachita River to Morobay, Ark., and thence along Arkansas Highway 15 to point of beginning as intermediate or off-route points; from Pine Bluff over U.S. Highway 65 to junction Arkansas Highway 81 thence over Arkansas Highway 81 to the Arkansas-Louisiana State line thence over Louisiana Highway 139 to junction U.S. Highway 165 at Bastrop, La., thence over the U.S. Highway 165 to Monroe, La., thence over U.S. Highway 80 to West Monroe, and return over the same route. Restriction: The authority granted herein shall not be combined or joined directly or indirectly with any other authority presently held by carrier for the purpose of performing any through service on traffic originating at or moving through or destined to the Memphis, Tenn., Commercial Zone as defined by the Commission, on the other hand, and, on the other, Greenville, Miss., and Monroe and West Monroe, La.

(12) *General commodities,* with exceptions: (a) Between Eudora, Ark., and Mer Rouge, La., serving all intermediate points and all off-route points located within 10 miles of such highways and Pioneer and Epps, La.; from Eudora over U.S. Highway 65 to junction Louisiana Highway 2, and thence over Louisiana Highway 2 to Mer Rouge, and return over the same route; (b) between junction U.S. Highway 65 and Louisiana Highway 2 and Lake Providence, La., serving all intermediate points and all off-route points located within 10 miles of such highway; from junction U.S. Highway 65 and Louisiana Highway 2 over U.S. Highway 65 to Lake Providence, and return over the same route; (13) *General commodities,* with exceptions: (a) Serving Sterlington, La., as an off-route point in connection with carrier's authorized regular-route operations between Pine Bluff, Ark., and West Monroe, La.; (14) *General commodities,* with exceptions, between Memphis, Tenn., and West Monroe, La., serving the intermediate point of Monroe, La.; from Memphis, Tenn., over U.S. Highway 70 (Interstate Highway 40) to junction Arkansas Highway 11, thence over Arkansas Highway 11 to junction U.S. Highway 79, thence over U.S. Highway 79 to Pine Bluff, Ark., thence over U.S. Highway 65 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to the Arkansas-Louisiana State line, thence over Louisiana Highway 139 to junction U.S. Highway 165 at Bastrop, La., thence over U.S. Highway 165 to Monroe, La., thence over U.S. Highway 80 to West Monroe, La., and return over the same route. Restriction: The operations authorized herein are subject to the following conditions. Said operations are restricted against service at points in Mississippi within the Memphis, Tenn., Commercial Zone as defined by the Commission. Said operations are restricted against the transportation of shipments moving from, to, or through Greenville, Miss.; (15) *General commodities,* with exceptions: (a) Between Pine Bluff, Ark., and Hazen, Ark., serving no intermediate points; from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to Hazen, and return over the same route. Restriction: The operations authorized herein are restricted against the transportation of traffic moving between Memphis, Tenn., Little Rock, Ark., and points within the Commercial Zones thereof, as defined by the Commission, on the one hand, and, on the other, Dallas and Fort Worth, Tex., and points within the Commercial Zones thereof, as defined by the Commission, including the transportation of traffic originating or interchanged at Memphis, Tenn., Little Rock, Ark., and points within the Commercial Zones thereof, as defined by the Commission.

(16) *General commodities,* with exceptions, over regular routes, serving the plantsite and warehouse facilities of Mahaffy-Apollo Enterprises, Inc., at or near Swan Lake, Jefferson County, Ark., as an off-route point in connection with applicant's regular route authority. (17) *General commodities,* with exceptions, over irregular routes: (a) Between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas not including Pine Bluff, bounded by a line commencing at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River, thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line and thence along the Arkansas-Louisiana State line to the east bank of the Ouachita River (approximately five miles east of Huttig, Ark.), thence along the east bank of the Ouachita River to Morobay, Ark., and thence along Arkansas Highway 15 to the point of beginning. Restriction: Service at Little Rock, Ark., is restricted against the pickup or delivery of shipments moving to, from, or through Memphis, Tenn.; (b) between Pine Bluff, Ark., and the site of the United States Arsenal Plant at Baldwin, Ark. (located approximately seven miles

north of Pine Bluff), on the one hand, and, on the other, points in the Arkansas destination territory specified immediately above; (c) between Greenville, Miss., on the one hand, and on the other, Little Rock, Pine Bluff, and the site of the U.S. Arsenal plant, at Baldwin, Ark., and points in that part of Arkansas bounded by a line beginning at Pine Bluff, Ark., and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River, thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line to the east bank of the Ouachita River (about five miles east of Huttig, Ark.), thence along the east bank of the Ouachita River to Morobay, Ark., and thence along Arkansas Highway 15 to point of beginning. Restriction: The authority granted immediately above shall not be combined or joined, directly or indirectly with any other authority held by carrier herein for the purpose of performing any through service on traffic: (1) Originating at or moving through the Memphis, Tenn., Commercial Zone as defined by the Commission, and destined to Greenville, Miss., or (2) originating at Greenville, Miss., destined to or moving through the Memphis, Tenn., Commercial Zone, as defined by the Commission.

(18) *Meats, meat products, and meat byproducts, dairy products, and articles distributed* by meat packinghouses, as defined by the Commission in the appendix to the report in Modification of Permits of Motor Contract Carriers of Packing House Products, 46 MCC 23: (a) From Pine Bluff, Ark., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Lonoke, Monroe, Ouachita, Prairie, Pulaski, and Union Counties, Ark., and (19) *Returned shipments* of the commodities specified immediately above: (a) From the destination points specified immediately above, to Pine Bluff, Ark.; (20) *Soap, soap products, and lard substitutes:* (a) From Pine Bluff, Ark., to points in that part of Monroe County, Ark., west of the White River, and points in Jefferson, Grant, Arkansas, Lincoln, Drew, Ashley, Chicot, Desha, Lonoke, and Prairie Counties, Ark., with no transportation for compensation on return except as otherwise authorized. Restriction: Carrier shall not, pursuant to the irregular route authority contained hereinabove, transport shipments moving between any points authorized in Section (4) hereinabove to be served by it in regular-route operations; (21) *Paper and paper products,* from the plantsite and warehouse facilities of Olinkraft, Inc., at Monroe and West Monroe, La., to Huntsville and Nacogdoches, Tex., Hot Springs, Ark., and Clarksdale, Gunnison, and Yazoo City, Miss., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13385. Authority sought for purchase by GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, of a portion of the operating rights of ET&WNC Transportation Co., 132 Legion Street, Johnson City, Tenn. 37601, and for acquisition by the Estate of W. Leo Murphy, 1st Wisconsin Trust Co., Milwaukee, Wis., Eugene W. Murphy, 300 South Ocean Boulevard, Palm Beach, Fla. 33480, John A. Murphy, 455 Park Plaza Drive, La Crosse, Wis. 54601, and Michael P. Murphy, 10301 South Harlem Avenue, Chicago Ridge, Ill. 60415, of control of such rights through the purchase. Applicants' attorneys: F. Neil Aschemeyer, 455 Park Plaza Drive, La Crosse, Wis. 54601, and Drew L. Carraway, 501 Perpetual Building, Washington, D.C. 20004, for transferee, and Russell R. Sage, Suite 400, Overlook Office Building, 6121 Lincolnia Road, Alexandria, Va. 22312, for transferor. Operating rights sought to be transferred: General commodities with exceptions as a common carrier over regular routes between Pine Bluff, Ark., and Fort Worth, Tex., serving the intermediate point of Dallas, Tex., as follows: From Pine Bluff over U.S. Highway 270 to Malvern, Ark., thence over U.S. Highway 67 (Interstate Highway 30), to Dallas, Tex.; thence over U.S. Highway 80 to Fort Worth, and return over the same route. The described operating authority is restricted as follows: Restriction: The operations authorized herein are restricted against the transportation of traffic moving between Greenville, Miss., Memphis, Tenn., Bastrop, Sterlington, and Monroe, La., Little Rock, Ark., and points within the commercial zones thereof, on the one hand, and, on the other, Dallas and Fort Worth, Tex., and points within the commercial zones thereof, including the transportation of traffic originating or interchanged at Greenville, Miss., Memphis, Tenn., Bastrop, Sterlington, and Monroe, La., Little Rock, Ark., and points within the commercial zones thereof. Applicants propose that upon approval and consummation, the described operating authority be further restricted to prohibit the transportation of traffic between Dallas and Fort Worth, Tex., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., points in New Jersey within 35 miles of the New York, N.Y., commercial zone as defined by the Commission, and points in New Jersey and Pennsylvania within 35 miles of Philadelphia, Pa. Transferee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13386. Authority sought for control and merger by G & P TRUCKING CO., INC., 801 Reynolds Avenue (P.O. Drawer 338), Greenwood, S.C. 29646, of Packet Motor Express, Inc., 465 Meeting Street, Charleston, S.C. 29403, and for acquisition by F. Locke Mays and Miriam M. Mays, both of 3330 Charleston Highway, West Columbia, S.C. 29196, of control of such rights through the transaction. Applicants attorney: William B. Patrick, Jr., P.O. Box 1207, Greenwood, S.C. 29646. Operating rights sought to be controlled and merged: Motion picture films, materials, supplies, and equipment used or useful in a motion picture theater, newspapers, magazines, periodicals, and other publications, as a common carrier over irregular routes, between points in Berkeley, Charleston, Clarendon, Dorchester, Florence, Sumter, and Williamsburg Counties, S.C., and that part of Orangeburg County, S.C., on and east of a line beginning at the Santee River and extending along U.S. Highway 15 to junction U.S. Highway 176, and thence along U.S. Highway 176 to the Orangeburg-Berkeley County line. 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, and those injurious or contaminating to other lading, in packages not to exceed 250 pounds in weight, between points in the above-specified territory. Under a certificate of Registration in Docket No. MC 1047 (Sub-No. 2), covering the transportation of commodities in general with exception and motion picture films and materials, supplies, and equipment used or useful in a motion picture theater, newspapers, magazines, periodicals, and other publications, as a common carrier over irregular routes solely within the State of South Carolina, with certain restrictions. Vendee is authorized to operate as a common carrier under a certification of Registration in Docket No. MC–60709 (Sub-No. 7), solely within the State of South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13388. Authority sought for purchase by CORRUGATED CARRIERS, INC., 3219 Nebraska Avenue, Council Bluffs, Iowa 51051, to purchase a portion of the operating rights of A B C Transit Co., Inc., 7860 F Street, Omaha, Nebr. 68127, and for acquisition by Lawrence D. Crouse, 3219 Nebraska Avenue, Council Bluffs, Iowa 51501, of control of such rights through the purchase. Applicants' attorney: James E. Ballenthin, 630 Osborn Building, St.

Paul, Minn. 55102, and John D. Sykora, Suite 1400, One First National Center, Omaha, Nebr. 68102. Operating rights sought to be transferred: Corrugated shipping containers as a common carrier over irregular routes from the plantsite of The Weyerhaeuser Co., Omaha, Nebr., to points in Colorado, Iowa (except Atlanta, Des Moines, Oakland, and points north of U.S. Highway 6), Kansas, Minnesota (except Minneapolis and St. Paul, and points in their respective commercial zones thereof, as defined by the Commission), and Missouri, as more fully described in Certificate MC 139686 issued September 16, 1974. Vendee hold no authority from this Commission. However, Lawrence D. Crouse, who controls Corrugated Carriers, Inc., also controls Nebraska-Iowa Xpress, Inc., a common carrier authorized to operate in the States of Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, pursuant to Certificate No. MC 121489. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13392. Authority sought for purchase by B & P MOTOR LINES, INC., Oakland Road and U.S. Highway No. 221, South Forest City, N.C. 28043, of a portion of the operating rights of Glosson Motor Lines, Inc., Charles E. Herbert, trustee in bankruptcy, 112 Fisher Park, Circle, Greensboro, N.C. 27401, and for acquisition by R. D. Workman, and Alma Mooree Workman, both of Route 3, Box 271–C, Forest City, N.C. 28043, and Coy Lambert, 103 Magnolia Street, Forest City, N.C. 28043, of control of such rights through the transaction. Applicants' attorneys: (Transferee) Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342, and (transferor) Frank P. Holden, Jr., P.O. Box 1124, Lexington, N.C. 27292, and Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Operating rights sought to be transferred: Canned and packaged cat food, from Lawrence, Mass., to points in Florida, with no transportation for compensation on return except as otherwise authorized. Packaged cat food, and canned cat food, when moving in the same vehicle and at the same time with packaged cat food, from Woburn and Boston, Mass., to points in Florida, with no transportation for compensation on return except as otherwise authorized. Pet food (except in bulk, in tank vehicles), from Woburn, Boston, and Lawrence, Mass., to points in Mississippi, Alabama, North Carolina, Virginia, Tennessee, Kentucky, Arkansas, and Louisiana, with no transportation for compensation on return except as otherwise authorized. Animal feed, except in bulk, from the plantsite at or near Golden Meadow, La., and storage facilities at or near Lockport, La., of Usen Products Co., to points in Florida, Alabama, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, West Virginia, Maryland, Pennsylvania, Massachusetts, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, Petroleum products, in containers, and service-station equipment, from Roanoke and Richmond, Va., to Charlotte, N.C., with no transportation for compensation on return except as otherwise authorized. Chemicals, from Whelan, Tenn., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Empty pasteboard containers and bottles, from Pittsburgh, Pa., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Heating and plumbing materials, supplies and equipment, from Richmond, Va., to Concord, N.C., with no transportation for compensation on return except as otherwise authorized.

Compressed gas, from Richmond, Va., to Charlotte, N.C., with no transportation for compensation on return except as otherwise authorized. Empty compressed gas containers, from Charlotte and Salisbury, N.C., to Richmond, Va., with no transportation for compensation on return except as otherwise authorized. Brick manufacturing machinery and equipment, from Danville, Va., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Charcoal, from Salisbury, N.C., to Roanoke and Richmond, Va., Baltimore, Md. and Pittsburgh, Pa., with no transportation for compensation on return except as otherwise authorized. Cleaning compounds and chemicals, from Salisbury, N.C., to Richmond, Roanoke, and Lynchburg, Va., and Columbia, Greer and Greenville, S.C., with no transportation for compensation on return except as otherwise authorized. Cotton piece goods, monumental stone, store fixtures, eggs, and poultry, between points in Virginia and North Carolina, within 150 miles of Salisbury, N.C., including Salisbury. 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, and those injurious or contaminating to other lading, from Roanoke and Richmond, Va., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Farm machinery and parts, from Auburn, N.Y., to points in that part of North Carolina on, east, and south, of a line beginning at the Virginia-North Carolina State Line and extending along U.S. Highway 29 to Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to Statesville, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State Line. Sewing machines and materials, supplies and equipment used or useful in sewing, from Salisbury, N.C. to Philadelphia, Pa., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized. Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Roanoke, Va. to Winston-Salem, N.C., with no transportation for compensation on return except as otherwise authorized, from Christiansburg, Va., to Salisbury and Winston-Salem, N.C., with no transportation for compensation on return except as otherwise authorized, as defined by the Commission, between Salisbury, N.C., and points within 25 miles of Salisbury, on the one hand, and, on the other, points in Virginia, Pennsylvania, New Jersey, Georgia, South Carolina, Florida, Kentucky, Tennessee, Ohio, and the District of Columbia.

Textiles, textile products and supplies and equipment used in the manufacture and packing of textiles and textile products, between Salisbury, N.C. on the one hand and, on the other, Poulan, Ga., Empty glass containers, from Elmira, N.Y., to points and places in North Carolina. Empty glass containers, from Elmira, N.Y., to points in Virginia with no transportation for compensation on return except as otherwise authorized. Frozen fruits, from Lexington, N.C., to Spartanburg, S.C., Pittsburgh, Pa., and Albany, N.Y. with no transportation for compensation on return except as otherwise authorized. Petroleum products, in containers, and service station equipment, from Roanoke, and Richmond, Va.; points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties. Vendee is authorized to operate as a common carrier and as a contract carrier in all of the States in the United States including the District of Columbia but excluding Alaska and Hawaii. Application has been filed for temporary authority under Section 210a (b).

NOTE.—No. MC 106074 (Sub-No. 47), is a directly related matter and is a gateway elimination application.

No. MC–F–13393. Authority sought for purchase by CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, Omaha, Nebr. 68137, a portion of the operating rights of A B C TRANSIT CO., INC., 7860 F Street, Omaha, Nebr. 68127 and for acquisition by Clarence L. Werner, also of Omaha, Nebr., of control of the rights through the purchase. Applicant's attorney: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Operating rights sought to be purchased under Docket No. MC 139876: Furniture and furniture parts, crated, (1) Between Omaha, Nebr.; North Kansas City, Mo.; and Denver, Colo., on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Illinois, Iowa, Oklahoma, Texas, Minnesota, South Dakota, North Dakota, Arkansas, Colorado, Wyoming, Utah, Montana, New Mexico, Idaho, Oregon, Washington, Nevada, California, Arizona, and Wisconsin; and (2) between Seattle, Washington, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Illinois, Iowa, Oklahoma, Texas,

Minnesota, South Dakota, North Dakota, Arkansas, Colorado, Wyoming, Utah, Montana, New Mexico, Nevada, Arizona, and Wisconsin. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Beebe and Runyan Furniture Co., Omaha, Nebr. Vendee is authorized to operate as a common carrier in Docket No. MC 138328 and subs thereunder in all the States in the United States except Alaska and Hawaii and as a contract carrier in Docket No. MC 133233 and subs thereunder in all the continental 48 States. Vendee is seeking to purchase only the vendor's base docket under contract carrier authority. Applicant has filed for temporary authority under Section 210a(b).

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 3151 (Sub-No. 20), filed October 25, 1977. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 Brecksville Road, Richfield, Ohio 44286. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Akron, Canton, Cleveland, Elyria, Findlay, Mansfield, Sandusky, Toledo, Warren, and Youngstown, Ohio; Albion, Battle Creek, Benton Harbor, Detroit, Flint, Grand Haven, Grand Rapids, Holland, Jackson, Kalamazoo, Lansing, Midland, Muskegon, Niles, Owosso, Saginaw, and Three Rivers, Michigan; and South Bend, Indiana on the one hand, and, on the other, points in that part of Ohio west of a line beginning at Sandusky, Ohio, and extending along U.S. Highway 250 to Wilmot, Ohio, thence along U.S. Highway 62 to Washington Court House, Ohio, thence along U.S. Highway 22 to Sligo, Ohio, thence along an unnumbered highway (formerly U.S. Highway 22) via Clarksville, Ohio to junction U.S. Highway 22, and thence along U.S. Highway 22 to the Ohio-Kentucky state line, including points on the indicated portions of the highways specified.

NOTE.—This application is directly related to a Section 5(2) proceeding in No. MC-F-13395, Bender & Loudon Motor Freight, Inc.—Control and Merger — Lima Trucking Co., published in a previous section of this FEDERAL REGISTER issue; and seeks to eliminate the gateway of Allen County, Ohio on traffic moving between the radial base points named above, on the one hand, and, on the other, the Ohio territory described above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 68860 (Sub-No. 27), filed October 12, 1977. Applicant: RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in containers, and *service station equipment*, from Bluefield, Bristol, Danville, Grundy, Lynchburg, Narrows, Norfolk, Richmond, and Roanoke, Va., those points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties; Pittsburgh, Harrisburg, York, Marcus Hook, and Philadelphia, Pa.; Baltimore, Md.; Wilmington, Del.; Swedesboro and Newark, N.J.; and points in West Virginia, and the District of Columbia, to points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties; (2) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (a) from Bluefield, Bristol, Danville, Grundy, Lynchburg, Narrows, Norfolk, Richmond, and Roanoke, Va., to Winston-Salem, N.C., and (b) from Pittsburgh, Harrisburg, York, Marcus Hook, and Philadelphia, Pa.; Bluefield, Bristol, Danville, Grundy, Lynchburg, Narrows, Norfolk, Richmond, and Roanoke, Va., and points in West Virginia, New York, Maryland, Delaware, and the District of Columbia, to Salisbury and Wintson-Salem, N.C.; (3) (a) empty glass containers, from Elmira, N.Y., to points in Virginia, West Virginia, South Carolina, and Ashville, Charlotte, Winston-Salem, Greensboro, Raleigh, and Durham, N.C.; and (b) malt beverage containers, from Elmira, N.Y., to points in Ohio and those in that part of Kentucky on and east of a line beginning at Covington, Ky., and extending along U.S. Highway 25 to Lexington, thence along U.S. Highway 27 to the Kentucky-Tennessee State line; (4) Cotton piece goods, monumental stone, store fixtures, eggs, and poultry, (a) between points in Virginia within 150 miles of Salisbury, N.C. including Salisbury; (b) between Roanoke Narrows, Bluefield, Grundy, Bristol, Danville, Lynchburg, Norfolk, and Richmond, Va. and points in Maryland, Delaware, Pennsylvania, New Jersey, West Virginia, South Carolina, New York, N.Y., and the District of Columbia; and (5) (a) compressed gas, from Richmond, Va., to Charlotte, N.C., and (b) empty compressed gas containers, from Charlotte and Salisburg, N.C., to Richmond, Va., restricted in (1) through (5) above, against the transportation of commodities in bulk, in tank vehicles, or commodities requiring the use of special equipment.

NOTE.—These are gateway elimination requests and are matters directly related to a Section 5(2) proceeding in MC-F-13375, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests that it be held at Roanoke, Va., Washington, D.C., or Charlotte, N.C.

No. MC 98184 (Sub-No. 6), filed August 25, 1977. Applicant: LARAMIE, INC., 14800 Castleton, Detroit, Mich. 48226. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Excavating* and *erecting equipment*, *heavy machinery* and *cranes* requiring low platform trailer equipment, between points in Michigan; (2) *heavy plant machinery* requiring rigging by the carrier in carryall or winch equipment, between points in Michigan; and (3) *heavy machinery, structural steel, power shovels, tanks*, and *commodities* which because of their size and weight require special equipment, between points in Michigan, restricted against traffic originating at points in the counties of Berry, Bay, Calhoun, Clinton, Eaton, Ingham, Kent, Muskegon, Ottawa (except Holland), and Saginaw, and points in Tusceola County on and west of Michigan Highways 138 and 24, points in Midland County on and east of Michigan Highway 30, points west and north of that portion of Genesee County beginning at the junction of the Genesee County line and Michigan Highway 15, thence south along Michigan Highway 15 to its junction with Michigan Highway 57, thence along Michigan Highway 57 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with unnumbered county roads, thence along said unnumbered county roads through Flushing to the county line between Genesee and Shiawassee Counties, points in Shiawassee County on and south of Michigan Highway 21 and on and west of Michigan Highway 52, points in Kalamazoo County on and east of U.S. Highway 131, points south and west of that portion of Newaygo County beginning at the junction of the western boundary of the Newaygo County and Michigan Highway 82, thence along Michigan Highway 82 to its junction with Michigan Highway 37, thence south along Michigan Highway 37 to the south-

ern Newaygo County line, when destined to any point other than those located within an area bounded on the north by Michigan Highway 59 and on the west and south of U.S. Highway 23, and further restricted against storage tanks originating at Owosso, Mich.

NOTE.—The Purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity and is a matter directly related to a section 5(2) proceeding in MC–F–13328, published in the FEDERAL REGISTER issue of September 22, 1977. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

PORTIONS OF THE COMMODITY DESCRIPTION AND TERRITORIAL DESIGNATIONS SET FORTH ABOVE DIFFER FROM THE CERTIFICATE OF REGISTRATION BEING CONVERTED SOLELY TO CONFORM TO CURRENT COMMISSION PRACTICE AND REQUIREMENTS

No. MC 98184 (Sub-No. 7), filed October 17, 1977. Applicant: LARAMIE, INC., 14800 Castleton, Detroit, Mich. 48226. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, power shovels, tanks, boilers*, and the following dismantled commodities: *Machinery, electrical equipment, contractors' equipment*, and *store, office, factory, hospital, art gallery, and museum fixtures and equipment*, over irregular routes between points in the Upper Peninsula of Michigan on the one hand, and, on the other, points and places in Indiana, Illinois, Ohio, Kentucky, New York, and Connecticut.

NOTE.—This applicaton is a Gateway Elimination Application directly related to a section 5(2) proceeding in No. MC–F–13328, published in the FEDERAL REGISTER issue of September 22, 1977. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 106074 (Sub-No. 47), filed October 25, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road and U.S. Highway No. 221. South, Forest City N.C. 28043. Applicant's attorney: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (a) *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 and those injurious or contaminating to other lading; from Roanoke and Richmond, Va.; to Shelby, N.C., and points in North Carolina within 25 miles thereof, with no transportation for compensation on return except as otherwise authorized. To eliminate the gateway of Salisbury, N.C. (b) *New furniture, crated or uncrated;* from Roanoke and Richmond, Va.; to points in the United States (except Alaska, Hawaii, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and the District of Columbia. To eliminate the gateway of Salisbury, N.C.

NOTE.—Applicant holds contract carrier authority in No. MC 140842 (Sub-No. 1), therefore, dual operations may be involved. Common control may be involved. This is a matter directly related to a section 5(2) proceeding in MC–F–13392, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 123556 (Sub-No. 8), filed September 14, 1977. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, Yakima, Wash. 98903. Applicant's representative: Jack R. Davis, Attorney at Law, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the act when moving in the same vehicles as the commodity specified in (1) above, between points and places in California, on the one hand, and, on the other, Seattle, Wash.

NOTE.—The purpose of this application is to eliminate the gateway of Yakima, Wash., and is a matter directly related to a section 5(2) proceeding in No. MC–F–13382, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 143267 (Sub-No. 2), filed September 6,. 1977. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicl over irregular routes, in the transportation of: (1) *Reinforced concrete slabs and walls*, from Aurora, Ohio, to points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of New York, on and west of New York Highway 14, and points in Jackson, Cabell, Kanawha, Marshall, Mason, Pleasants, Tyler, Wayne, Wetzel, Wood, Hancock, Brooke, and Ohio Counties, W. Va.; and (2) *reinforcing wire*, between Aurora, Ohio, on the one hand, and, on the other, Rochester and South Bethlehem, N.Y.

NOTE.—The purpose of this application is to convert permit No. MC 136988 (Sub-No. 3), to a Certificate of Public Convenience and Necessity. This is a matter directly related to a transfer proceeding in MC–FC–77300, wherein applicant seeks to acquire the said permit from Scott Trucking, Inc. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 143870, filed October 7, 1977. Applicant: BRANTLEY BROS. MOVING & STORAGE CO., INC., 17 Frelinghuysen Avenue, Newark, N.J. 07114. Applicant's representative: John P. Tynan, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houshold goods* as defined by the Commission, between points in Bergen, Burlington, Essex, Hudson, Hunterton, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., points in Fairfield and New Haven Counties, Conn., and points in Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties, N.Y. on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and the District of Columbia, 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, creating, and containerization, or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—This is a gateway elimination application and is a matter directly related to MC–FC–77197, published in the FEDERAL REGISTER issue of August 4, 1977. If a hearing is deemed necessary, applicant does not specify a location.

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 on or before December 12, 1977, unless the instructions set forth in the notices are followed.

[Docket No. AB–1 (Sub-No. 54)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO., ABANDONMENT BETWEEN TUNNEL CITY AND MEDARY JUNCTION IN MONROE AND LACROSSE COUNTIES, WIS., AND BETWEEN TREMPEALEAU AND WINONA IN TREMPEALEAU AND BUFFALO COUNTIES, WIS., AND WINONA COUNTY, MINN.

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 26, 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 *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago and North

Western Transportation Co., of two segments of a line of railroad beginning at milepost 163.2 near Tunnel City, Wis., and extending westerly to milepost 267.8 near Medary Junction, Wis. (excluding line segments between milepost 168.0 and milepost 169.5 at Camp McCoy, Monroe County, Wis., between milepost 176.0 and milepost 248.0 at Sparta, Monroe County, Wis., and between milepost 260.0 and milepost 261.9 at West Salem, LaCrosse County, Wis.) a distance of 29.2 miles in Monroe and LaCrosse Counties, Wis., and beginning at milepost 284.5 a point west of Trempealeau, Wis., and extending westerly to milepost 296.6 at Winona, Minn., a distance of 12.1 miles in Trempealeau and Buffalo Counties, Wis., and Winona County, Minn., or a total distance of 41.3 miles all in Monroe, LaCrosse, Trempealeau, and Buffalo Counties, Wis., and Winona County, Minn. A certificate of abandonment will be issued to the Chicago and North Western Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within on or before December 2, 1977, 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-3 (Sub-No. 14)]

MISSOURI PACIFIC RAILROAD CO. ABANDONMENT NEAR TENARK AND HUGHES IN CRITTENDEN AND ST. FRANCIS COUNTIES, ARK.

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 October 17, 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 ICC 76 (1977) and for public use as set forth in said order, and those provided pursuant to section 405 of the Rail Passenger Service Act (45 USC 565), the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Co., of operations over a portion of its lines, extending from milepost 352.0 near Tenark, Ark., to the end of the line at milepost 334.0 at Hughes, Ark., a distance of 18 miles in the Counties of Crittenden and St. Francis, Ark. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri Pacific 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 (section 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 on or before November 25, 1977. 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 on or before December 27, 1977.

[Docket No. AB-6 (Sub No. 41)]

BURLINGTON NORTHERN INC. ABANDONMENT BETWEEN MINNEKAHTA AND HOT SPRINGS IN FALL RIVER COUNTY, S. DAK.

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 31, 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 *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad beginning at milepose 1.00 near Minnekahta, S. Dak., and extending in an eastern direction to milepost 12.91 near Hot Spring, S. Dak., a distance of 11.91 miles, all in Fall River County, S. Dak. A certificate of abdonment will be issued to the Burlington Northern, Inc., based on the above-described finding of abandonment, 30 days after publication of this notice, unless on or before December 12, 1977, 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 reosonable 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 ocquisition 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-6 (Sub-No. 43)]

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN RIO AND ALEXIS IN KNOX AND WARREN COUNTIES, ILL.

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 31, 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 *Oregon Short Line R. Co.—Abondonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc., of its branch line between milepost 206.80 near North Henderson, Ill., and milepost 201.27 near Alexis, Ill., a distance of 5.53 miles, in Knox and Warren Counties, Ill. A certificate of abandonment will be issued to the Burlington Northern, Inc., based on the above-described finding of abandonment, on December 12, 1977, unless before December 12, 1977, 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 attributalbe 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–7 (Sub-No. 27) (Correction), CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. ABANDONMENT IN FOND DU LAC, COUNTY OF FOND DU LAC, WIS. A notice published in the FEDERAL REGISTER on September 15, 1977, 42 FR page 46478, stated that, by an order intered June 30, 1977, the Commission, Review Board Number 5, found that the present and future public convenience and necessity permit abandonment of the involved line subject to conditions for the protection of employees as set forth in *Oklahoma Ry. Co. Trustees Abandonment*, 257 I.C.C. 117 (1944) and in the applicable provisions of Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565).

The above notice is herewith corrected to reflect the order of the Commission, Division 3, acting as an Appellate Division, entered October 6, 1977, which provided that the conditions for the protection of employees be modified to those enacted in and developed pursuant to Section 405 of the Rail Passenger Service Act of 1970.

[Docket No. AB–12 (Sub-No. 23)]

SOUTHERN PACIFIC TRANSPORTATION CO. ABANDONMENT BETWEEN BUTTE CREEK AND STIRLING CITY IN BUTTE COUNTY, CALIF.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 19, 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 I.C.C. 700, and the applicable provisions of Section 405 of the Rail Passenger Service Act, 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 Co. of a line of railroad extending from railroad milepost 189.000 near Butte Creek in a southerly direction to the end of the branch at railroad milepost 215.462 near Stirling City, a distance of approximately 26.523 miles in Butte County, Calif. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commision 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 insrtuctions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–55 (Sub-No. 11)]

SEABOARD COAST LINE RAILROAD CO. ABANDONMENT NEAR GROVELAND AND MASCOTTE, IN LAKE COUNTY, FLA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated October 20, 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, 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 abandonment by the Seaboard Coast Line Railroad Co. of its line of railroad extending from milepost AT–818.76, near Groveland, Fla., to milepost AT–818.21, near Mascotte, Fla., a distance of 1.45 miles, in Lake County, Fla. A certificate of public convenience and necessity permitting abandonment was issued to the Seaboard Coast Line 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 (Section 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 field, 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.

[Docket No. AB–102 (Sub-No. 5)]

MISSOURI-KANSAS-TEXAS RAILROAD CO. ABANDONMENT AT MCALESTER, IN PITTSBURG COUNTY, OKLA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C 1a) that by Certificate and Order dated October 19, 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, 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 abandonment by the Missouri-Kansas-Texas Railroad Co. of its line of railroad extending from milepost R–2.26, near McAlester, Okla., to milepost R–11, at the end of the line near Bishop, Okla., a distance of 8.75 miles, in Pittsburg County, Okla. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri-Kansas-Texas Rialroad 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 (Section 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.

[Docket No. AB–160 (Sub-No. 1)]

MONTOUR RAILROAD CO.—DISCONTINUANCE OF SERVICE—OVER TRACKS OWNED BY THE NORFOLK & WESTERN RAILWAY CO. IN ALLEGHENY COUNTY, PA.

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 October 26, 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 discontinuance of service over a line of railroad owned by the Norfolk & Western Railway Co. known as the Thompson Branch, extending from Montour milepost 41.3 near Salida to the end of the branch at Montour milepost 44.2 near Mifflin Junction a distance of 2.93 miles in Allegheny County, Pa. A certificate of public convenience and necessity permitting abandonment was issued to the Montour 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 (Section 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 44605 (Deviation No. 11), MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, Utah 84104, filed October 28, 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 Parker, Ariz., over Arizona Highway 95 to junction Interstate Highway 40, thence over Interstate Highway 40 to Needles, Calif., 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 Parker, Ariz., across the Colorado River, thence over California Highway 62 to junction U.S. Highway 95 near Vidal Junction, Calif., thence over U.S. Highway 95 to Needles, Calif., and return over the same route.

No. MC 79434 (Deviation No. 1), BENNETT TRUCK LINE, INC., 200 E. Walnut St., Paragould, Ark. 72450, filed October 12, 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 Jonesboro, Ark., over U.S. Highway 63 to Hoxie, Ark., 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 Jonesboro, Ark., over Arkansas Highway 1 to Paragould, Ark., thence over Arkansas Highway 25 to Hoxie, Ark., and return over the same route.

No. MC 111231 (Deviation No. 63), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed October 27, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over Interstate Highway 30 to Texarkana, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 65 to junction U.S. Highway 82, thence over U.S. Highway 82 to Texarkana, Ark., and return over the same route.

No. MC 111231 (Deviation No. 64), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed October 28, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to El Dorado, Ark., 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 routes as follows: From Little Rock, Ark., over U.S. Highway 65 to junction U.S. Highway 82, thence over U.S. Highway 82 to El Dorado, Ark., and return over the same route.

No. MC 111383 (Deviation No. 51), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed October 25, 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 Natchez, Miss., over U.S. Highway 98 and 84 to Bude, Miss., thence over U.S. Highway 84 to Brookhaven, Miss., 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 Natchez, Miss., over U.S. Highway 61 to Fayette, Miss., thence over Mississippi Highway 28 to junction U.S. Highway 51, thence over U.S. Highway 51 to Brookhaven, Miss., 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.

New Mexico Docket No. 4346, filed November 1, 1977. Applicant: FRED SEEBINGER, LEW SEEBINGER, LARRY SEEBINGER, AND VIRGINIA SEEBINGER, a partnership, doing business as SEEBINGER ENTERPRISES, 1235 Aspen NW., Albuquerque, N. Mex. 87104. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Certificate of Public Convenience and Necessity sought to operate a common motor carrier service as follows: Transportation of (1) Meat, meat products, meat by-products, dairy products; and (2) foods and foodstuffs in vehicles equipped for temperature control, between points in New Mexico, over irregular routes under nonscheduled service. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place scheduled for December 15, 1977, at 10:00 a.m. at the New Mexico Motor Carriers' Assn. Building, 1500 Indian School Road NE., Albuquerque, N. Mex. Written notice of intent to protest this application must reach the office of the State Corporation Commission, Transportation Division, P.O. Drawer 1269, Santa Fe, N. Mex. 87501, at least 5 days prior to the hearing date. Copy of such protest shall also be mailed to the applicant. Requests for procedural information should be addressed to the New Mexico Corporation Commission, Transportation Division, P.O. Drawer 1269, Santa Fe, N. Mex. 87501 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-32499 Filed 11-9-77;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.

CHANGE OF SUBJECT, STATUS, AND PLACE OF DISCUSSION OF ITEM ON NOVEMBER 3, 1977, MEETING AGENDA

TIME AND DATE: 12:30 p.m., November 3, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 21b. Dockets 31562 and 31572, GIT and Special APEX fares proposed by Polskie Linie Lotnicze (LOT), and Holiday group and individual fares proposed by E1 A1 and charter agreement negotiation strategy (BFR).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION:

EXPLANATION FOR THE CLOSING

This item will discuss, in the context of the tariff filings in question, whether (1) extremely low, possibly unlawful scheduled fares, filed by flag carriers whose parent governments have historically thwarted market penetration by charter operators, should be suspended pending investigation until agreements opening up the market to charter competition have been reached with those countries, and (2) how such agreements can best be reached with as many nations as possible. Negotiations of this nature are in progress with several countries. At this time, disclosure of the Board's views on these general matters to the public, and especially to representatives of foreign governments, may well lessen the possibility of a successful conclusion to ongoing negotiations in the best interest of the United States. Accordingly, the following members have voted that [public observation of] this item would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. § 552b(c)(9)(B) and 14 CFR § 310b.5(9)(B), and that the meeting on this item will be closed:

Chairman Alfred E. Kahn
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

EXPLANATION OF EXPEDITED ACTION

Additionally, as noted in M–76 amendment 2, the staff recommendation to the Board regarding Item 21b was still being prepared when Item 21b was added to the agenda. The completed staff analysis requires that the subject description of Item 21b be expanded and the status of the Board's discussion of that item be changed from open to closed. Accordingly, the following Members have voted that agency business requires that these changes be made and that no earlier announcement of the changes was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

ASSISTANT TO BOARD MEMBERS

Mr. Mike Roach
Mr. Elias Rodriquez
Mr. Ford Cole
Mr. Fred Houghteling
Mr. James Casey
Mr. John Golden
Ms. Barbara Clark

OFFICE OF THE MANAGING DIRECTOR

Mr. Dennis Rapp

BUREAU OF FARES AND RATES

Mr. Arthur Simms
Mr. James Deegan
Ms. Joan Coward
Mr. Norman Schwartz
Mr. Herb Aswall
Mr. Keith Shangraw
Mr. John Kiser

OFFICE OF THE GENERAL COUNSEL

Mr. Gary Edles
Mr. Peter Schwarzkopf
Mr. Harold Juhnke

OFFICE OF ECONOMIC ANALYSIS

Mr. Darius Gaskins
Mr. Sandy Rederer

BUREAU OF INTERNATIONAL AFFAIRS

Mr. Don Farmer
Mr. John Driscoll

OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor
Ms. Deborah A. Lee

REPORTER

Alderson Reporting Company

GENERAL COUNSELING CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. § 552b(c)(9)(B) and 14 CFR § 310b.5(9)(B).

GARY J. EDLES,
Acting General Counsel.

NOVEMBER 3, 1977.

[S–1795–77 Filed 11–8–77; 8:47 am]

[6320–01]

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., November 10, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation*
2. Docket 30591, Colonial Airlines' Petition for Reconsideration of Order Denying Large Aircraft Exemption Authority, (Memo No. 7049–B, BOR, BLJ)
3. Docket 29366, Pan American's Request to Extend Exemption to carry Seattle-Honolulu Traffic via San Francisco on one daily westbound flight (Memo 6264–D, BOR, OGC)
4. Docket 29706, Motion of Allegheny Airlines for hearing on its application for Philadelphia-Bermuda nonstop authority (Memo No. 7541, BOR, BIA, BLJ)
5. Docket 28981 and 29015, Subpart M Application of Hughes Airwest for Phoenix-Sacramento; Fresno-Portland, and Sacramento-Seattle Nonstop Authority, and Motion of Western for consolidation of the Sacramento-Seattle Nonstop Portion (Memo No. 5968–B, BOR, BLJ)
6. Dockets 31049 and 31101, Piedmont's petitions for an order to show cause proposing that its two-stop restrictions in the Raleigh/Durham-New York/Newark and Charlotte-Washington, D.C. markets be changed to one-stop restrictions (Memo No. 7455, BOR)
7. Docket 31131, Cimaroon Industries, Ltd.—application for exemption to use 75-seat jet aircraft in air taxi charter

service (Memo No. 7556, BOR, OGC)

8. Docket 31109, Air Polynesia, Inc.'s application for exemption to use DC–3 aircraft within the State of Hawaii (Memo No. 7557, BOR, OGC)

9. Dockets 28515, 28913, 28578, 28604, 28668; 29095; and 29321 and 29379. Control of foreign-originating charter marketing subsidiaries; control of an inclusive tour marketing subsidiary and petitions for declaratory rulings (Memo No. 7165–A, BOR, BIA, OGC)

10. Docket 29873, Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp. (U.S.A.) Application for renewal of foreign indirect air carrier permit (Memo # 7321–A, BOR, BIA)

11. Docket 29336, Application of Air BVI (1976) Limited for transfer for a foreign air carrier permit (Memo # 2960–A, BIA, BOR, OGC)

12. Docket 30984, Application of Leavens Air Charter Limited, for a foreign air carrier permit (Memo # 7551 BOR, BIA, OGC)

13. Designation of U.S. Airlines under "Bermuda II" (Memo # 7458–A, BIA)

14. Flying Tiger Line Transaction Agreement FTL:1–4 (filed on October 14, 1977) (BOR, BAS, OGC)

15. Docket 28194, *Eastern/Piedmont Route Exchange Agreement*, Petition for discretionary review (Memo # 7559, OGC, OEA)

16. Docket 29295, *United States-Latin America All Cargo Service Investigation*, Notice of Target Date (Memo # 7548, OGC)

17. Docket 29789, Houston/New Orleans-Yucatan Route Proceeding, Petition for discretionary review (OGC, OEA)

18. Docket 30781, Rule to amend Part 241 as proposed in EDR–323, Proposed Revision of Accounting and Reporting Requirements for Small Air Carriers (Memo # 7007–A, OGC, BAS)

19. Docket 30537, Notice of proposed rulemaking amending Part 241 of the Board's Economic Regulations to provide for the reporting of ratemaking revenues and statistics (Memo # 7550, OGC, BAS, BFR, BOR, BOE, OEA)

20. Docket 31132, Rulemaking petition of Davis Agency Inc. to amend Part 372 *Overseas Military Personnel Charters* (Memo # 7554, OGC)

21. Docket 30588, Motion for Board review of BOE dismissal of *Complaint of Art Miller* v. *Evergreen International Airlines, Inc.* (Memo # 7542, OGC)

22. Docket 25474, Hawaiian Fares Investigation (OGC)

23. Proposed Amendment of Separation of Functions Rule (Memo No. 7473, OGC)

24. Procedures for Board Review of BOE Dismissals of Third-Party Complaints (Memo No. 7496, BOE)

25. Consumer Abuses by Tour Operators (Memo No. 7497, BOE, BOR, OGC, OCA, OEA)

26. Docket 30616, Incorporation of recently established "Super-Saver" Fares into the "Super-Saver" Fares Investigation (Memo No. 7110–B, BFR)

27. Docket 30312, ATC Agreement concerning Domestic Reduced Rate Transportation for Travel Agents (Memo No. 7068–A, BFR, BOR)

28. Docket 30904, Application to extend the Board's earlier approval to hold joint air carrier discussions on matters relating to the transportation of the handicapped (Memo No. 7320–B, BFR, BOR)

29. Dockets 31563 and 31566, Complaints by TWA and NACA against new fares filed by Alitalia, effective November 20, 1977 (BFR)

STATUS: Open

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–1796–77 Filed 11–8–77;8:47 am]

[6320–01]

3

CIVIL AERONAUTICS BOARD

NOTICE OF DELETION OF ITEMS FROM THE NOVEMBER 10, 1977 MEETING AGENDA

TIME AND DATE: 10 a.m., November 10, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 4. Docket 290706, Motion of Allegheny Airlines for hearing on its application for Philadelphia–Bermuda nonstop authority (Memo No. 7541, BOR, BIA, BLJ).

5. Docket 28981 and 29015, Subpart M Application of Hughes Airwest for Phoenix–Sacramento; Fresno–Portland, and Sacramento–Seattle Nonstop Authority, and Motion of Western for consolidation of the Sacramento–Seattle Nonstop Portion (Memo No. 5968–B, BOR, BLJ).

23. Proposed Amendment of Separation of Functions Rule (Memo No. 7473, OGC).

24. Procedures for Board Review of BOE Dismissals of Third-Party Complaints (Memo No. 7496, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Items 4 and 5 are going to be rescheduled as items 14 and 15 respectively on the November 11, 1977 agenda so that they can be discussed with similar matters.

The staff had indicated that it would have prepared for the Board's consideration on November 10, 1977 material that relates to items 23 and 24. The necessary material will not be available before the November 10, 1977 meeting. In order to give the Board the benefit of all information on these items, it is necessary to delete these items from the November 10, 1977 agenda and to reschedule them when all material is available.

Accordingly, the following Members have voted that agency business requires the deletion of items 4, 5, 23, and 24 from the agenda of November 10, 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 Lee R. West
Member Elizabeth E. Bailey

[S–1977–77 Filed 11–8–77;8:47 am]

[6320–01]

4

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., November 11, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Route Priorities: The pending rulemaking proceeding (Memo No. 5971–H, BOR, OGC, BLJ, OEA)

2. Docket 30123, Hearing priorities rulemaking (Memo No. 5971–E, 5971–F, 5971–G, BOR, OGC, BLJ, OEA)

3. Dockets 30550, 30937, 30942, 30548, 30630, and 31074, Twin Cities (Minneapolis & St. Paul)-Las Vegas/Phoenix-Burbank/Orange County (Santa Ana), Motions of Airwest and North Central and Related Pleadings (Memo No. 7472, BOR, OGC, BLJ, OEA)

4. Dockets 30547 and 31278 and 31385. Northwest's Motion for Hearing of its Minneapolis-Dallas/Houston Application; Consolidation Motions of Texas International and the City and Chamber of Commerce of San Antonio (Memo No. 7481, BOR, OGC, BLJ, OEA)

5. Docket 28475, Ozark's petition for reconsideration of Order 77–4–16 (Memo No. 5708–B, BOR, OGC, BLJ, OEA)

6. Dockets 22958 and 30019; 30120 and 26927. Motions for Hearing of Continental and Texas International on applications for authority between Houston and Tampa Bay Area/Orlando and related motions to consolidated Delta and Braniff (Memo No. 7281, BOR, OGC, BLJ, OEA)

7. Docket 30387, TWA's Application for San Diego-Kansas City/St. Louis nonstop authority (Memo No. 7374, BOR, OGC, BLJ, OEA)

8. Docket 30910, Eastern's Motion for Hearing on Nonstop Dallas-Tucson Authority (Memo No. 7509, BOR, OGC, BLJ, OEA)

9. Docket 30809, North Central's Application for Chicago-Syracuse/Albany-Boston Authority (Memo No. 7516, BOR, BLJ, OGC, OEA)

10. Docket 30915, Application of Frontier for new authority between Boise and Denver (BOR, OGC, BLJ, OEA)

11. Docket 30646, North Central's Subpart M Application for Authority to Provide Bismarck-Fargo-Minneapolis-Chicago Service (Memo No. 6960–A, BOR, OGC, BLJ, OEA)

12. Dockets 29827 and 30034. Motion of Allegheny Airlines for Hearing on its application to extend its system to various Florida cities; Motion of United for Hearing on its application to add Orlando to its Route 51 between the Great Lakes and Florida (Memo No. 7156, BOR, OGC, BLJ, OEA)

13. Docket 29554, Airwest's Application for Authority between Las Vegas-Albuquerque-El Paso-Midland/Odessa-San Antonio-Corpus Christi and Houston between Phoenix/Tucson-San Antonio-Houston and New Orleans and motion for immediate hearing (Memo No. 7314, BOR, BLJ, OGC, OEA)

14. Docket 29706, Motion of Allegheny Airlines for hearing on its application for Philadelphia-Bermuda nonstop authority (Memo No. 7541, BOR, BIA, BLJ, OGC, OEA)

15. Docket 28981 and 29015, Subpart M Application of Hughes Airwest for Phoenix-Sacramento; Fresno-Portland, and Sacramento-Seattle Nonstop Authority and Motion of Western for consolidation of the Sacramento-Seattle Nonstop Portion (Memo No. 5968-B, BOR, BLJ, OGC, OEA)

STATUS: Open

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-1799-77 Filed 11-8-77;8:47 pm]

[6320-01]

5

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., November 21, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Proposed transfer of auditors from Bureau of Enforcement to Bureau of Accounts and Statistics.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This meeting will involve an important question of allocation of staff resources among the Board's organizational components. It is desirable that a meeting to discuss this be held at a time at which all Members are available to participate in the discussion and resolution of this issue. The following Members had voted that agency business required that the Board meet on November 4, 1977 on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

Subsequent to that vote, however, it was determined that a more convenient time for the discussion of this matter would be November 21, 1977, as stated in this notice.

[S-1798-77 Filed 11-8-77;8:47 am]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (pub. November 7, 1977, 42 FR 58004).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 9, 1977, 10:00 a.m.

CHANGE IN THE MEETING:

The following item has been added:

Item No., Docket No. and Company

G-35.—CP77-495, CP77-596 and CP77-598, Transcontinental Gas Pipeline Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1802-77 Filed 11-8-77;10:43 am]

[6720-01]

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 212, page 57587, November 3, 1977.
PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 8, 1977, at the conclusion of the open meeting to be held at 2:30 p.m.

PLACE: 320 First Street NW., room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Michael Scanlon, 202-376-3324.

CHANGES IN THE MEETING: THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA FOR THE CLOSED MEETING:

Consideration of Association Request for Modification of Merger Approval. No. 96, November 7, 1977.

[S-1807-77 Filed 11-8-77;1:43 p.m]

[6210-01]

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 57211, November 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Monday, November 7, 1977.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting:

1. Proposed salary adjustment for a Board officer.

Previously announced closed items:

1. Proposed salary structure adjustment at the Federal Reserve Bank of Philadelphia.

2. Proposed supplement to the Federal Reserve Banks' retirement plan pensions.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202—452-3204).

Dated: November 7, 1977.

GRIFFITH L. GARWOOD,
Secretary of the Board.

[S-1800-77 Filed 11-8-77;8:47 am]

[6750-01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, November 15, 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 November 10, 1977.

(2) Consideration of issuance of a complaint and Section 6(b) orders in a non-public Part II matter.

(3) Consideration of issuance of investigational resolution authorizing compulsory process and issuance of a press release in a non-public Part II matter.

Adjudicative Matters Under Part 3 of the Rules of Practice:

Approval of Minutes of Adjudicative Matters Considered at Meeting of November 10, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded Message, 202-523-3805.

[S-1810-77 Filed 11-8-77;3:17 pm]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, November 16, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10:00 a.m., on Wednesday, November 16, 1977, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3890, Recorded Message, 202-523-3806.

[S-1811-77 Filed 11-8-77;3:17 pm]

[7030-01]

11

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 A.M., November 16, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS:

Open to the Public.
Docket 206, *Squaxin*.
Docket 229, *Navajo*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, NW., Washington, D.C. 20006, Telephone 202-653-6174.

[S-1803-77 Filed 11-8-77;10:43 am]

[7527-01]

12

NATIONAL COMMISSION ON LIBRARIES AND INFORMATON SCIENCE.

TIME AND DATE: 9:00 a.m. to 5:00 and 8:30 a.m. to 4:00 p.m., respectively, December 5 and 6, 1977.

PLACE: Beverly Wilshire Hotel, Beverly Hills, Calif.

STATUS: Open.

MATTERS TO BE CONSIDERED:

White House Conference on Library and Information Services.
Update Reports on Projects, Task Forces, and Committees.
New and Proposed Task Forces—Update.
Discussion of Activities since September Commission Meeting.
Presentation by and discussion with Ms. Henriette Avram of the Library of Congress on the Authority File Study and other related LC projects, including the final report of the study of the Library of Congress' Role in the National Program (scheduled for December 6).

CONTACT PERSON FOR MORE INFORMATION:

Alphonse F. Trezza, Executive Director, 653-6252.

[S-1809-77 Filed 11-8-77;3:17 pm]

[7555-01]

13

NATIONAL SCIENCE BOARD.

TIME AND DATE: November 17, 1977, Open Session: 10:00 a.m. to 3:30 p.m., Closed Session: 3:30 p.m., November 18, 1977, Closed Session: 8:30 a.m.

PLACE: Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the Public:

1. Minutes—Open Session—193rd Meeting.
2 Chairman's Report.
3. Director's Report.
4. Reports of Board Committees.
5. NSF Advisory Groups—Reports on Meetings.
6. Reports on Site Visits—Materials Research Laboratories.
7. Program Review—Government and Public Programs.
8. Grants, Contracts, and Programs.
9. Other Business.
10. Next Meetings.

Portions Closed to the Public:

A. Grants and Contracts: 1. Approval of awards; 2. Report on on-going contract negotiations.
B. Minutes—Closed Session—193rd Meeting.
C. Report of Ad Hoc Committee on NSB Nominees.
D. NSF Budget for Fiscal Year 1979.
E. Tenth NSB Annual Report.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-1801-77 Filed 11-8-77;8:47 am]

[4910-58]

14

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, November 17, 1977 (NM-77-38).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first three items on the agenda will be open to the public; the fourth item will be closed to the public.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Rear End Collision of Two Chicago Transit Authority Trains, Chicago, Ill., February 4, 1977.

2. *Recommendation* to Alyeska Pipeline Service Company re series of accidents since pipeline startup.

3. *Discussion* of Board policy with respect to special studies.

4. *Opinion and Order—Administrator* v. *Bennoyer*, Dkt. SE-3404; *Administrator* v. *Cunningham*, Dkt. SE-3408; disposition of the appeals of both parties.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-1794-77 Filed 11-8-77;8:47 am]

[7590-01]

15

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, November 4, 1977 (Change).

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: "Discussion of Personnel Matter" was cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

NOVEMBER 11, 1977.

[S-1806-77 Filed 11-8-77;10:43 am]

[7590-01]

16

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, November 7, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open (Additional Item).

MATTERS TO BE CONSIDERED: 3:45 p.m. Meeting on Pollard Petition.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: November 7, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-1804-77 Filed 11-8-77;10:43 am]

[7590-01]

17

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of November 14.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open/Closed.

Monday, November 14

9:30 a.m.—1. Discussion of Personnel Matter (Approx. 1½ hrs.) (Closed—Exemption 6). 2. Discussion of Sunshine Act Implementation—Closing of Meetings, Transcripts, etc. (Approx. 1 hr.) (Public Meeting). 3. Affirmation of: (Public Meeting). a. Licensee Guard Force Response to Alarms and Use of Firearms. b. Amendment to 10 CFR 20; Caution Signs, Labels, Signals and Controls. c. Review of ALAB-435 (St. Lucie 2).

NOTE.—The affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than 5 minutes.

1:30 p.m.—Discussion of Seabrook Opinion (Approx. 1 hr.) (Closed—Exemption 10).

Tuesday, November 15

2:00 p.m.—Meeting with Representatives of General Electric Co. on Plant Standardization (Approx. 2 hrs.) (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: November 11, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-1805-77 Filed 11-8-77;10:43 am]

[8010–01]

18

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 14, 1977, in room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, November 15, 1977, at 10 a.m. and on Thursday, November 17, 1977, following the open meeting schedulued for 10 a.m. Open meetings will be held on Tuesday, November 15, 1977, at 2:30 p.m., on Wednesday, November 16, 1977, at 10 a.m. and at 2:30 p.m., and on Thursday, November 17, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9) A and (10) and 17 CFR 200.402(a) (8) (9) (i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 15, 1977, at 10 a.m., will be:

Formal orders of investigation; Referral of investigative files to Federal, State or Self Regulatory authorities; Authorization of staff members to testify; Institution of injunctive actions; Settlement of injunctive actions; Institution of administrative proceedings; Settlement of administrative proceedings; 2(e) proceedings; Freedom of Information Act appeals; Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, November 17, 1977, following the open meeting at 10 a.m., will be: Opinion.

The subject matter of the open meeting scheduled for Tuesday, November 15, 1977, at 2:30 p.m., will be: Oral argument in the matter of International Research and Management Corporation and Richard D. Braverman for review of the adverse initial decision of an administrative law judge.

The subject matter of the open meeting scheduled for Wednesday, November 16, 1977, at 10 a.m., will be:

1. An application filed by The Variable Annuity Life Insurance Company for an order exempting the company from certain reporting requirements under the Securities Exchange Act of 1934.

2. Proposed publication for comment of a proposed schedule and rule related to going private transactions by public companies or their affiliates.

3. Proposed drafting of a release which would invite public comment and announce public hearings to be held in connection with the possible revision of disclosure requirements as related to small business.

4. Consideration of soliciting public comment on proposed amendments to reporting forms and schedules which would provide simplified registration procedures for small issuers under the Securities Act of 1933.

5. Proposed publication for comment of a new rule and related schedule concerning issuer tender and exchange offers.

6. Proposed publication for comment of amendments to Rule 146, concerning private offering exemptions under the Securities Act of 1933.

7. Consideration of a request filed by counsel for the New Orleans Cotton and Commodity Exchange for a "no-action" letter.

8. Meeting with representatives of the Financial Executives Institute Committee on Corporate Reporting, to discuss the following proposed topics: (a) Financial Accounting Standards Board and SEC relationships, (b) segment reporting, (c) inflation accounting, (d) shareholders' participation in corporate governance, and (e) recommendations of the Advisory Committee on Corporate Disclosure.

The subject matter of the open meeting scheduled for Wednesday, November 16, 1977, at 2:30 p.m., will be: Oral argument in the matter of Douglass & Co., Incorporated and Donn Charles Douglass for review of the adverse initial decision of an administrative law judge.

The subject matter of the open meeting scheduled for Thursday, November 17, 1977, at 10 a.m., will be: Meeting with representatives of the Federal Regulation of Securities Committee of the American Bar Association to discuss recent rule proposals by the Commission and related issues in securities laws.

FOR FURTHER INFORMATION CONTACT:

Edward A. Scallet at 202–755–1234.

NOVEMBER 7, 1977.

[S–1808–77 Filed 11–8–77;1:43 pm]

federal register

THURSDAY, NOVEMBER 10, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

PROPOSED FLOOD ELEVATION DETERMINATIONS

Selected Locations in Various Communities

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–3167]

Proposed Flood Elevation Determinations; Correction

CITY OF LE MARS, PLYMOUTH COUNTY, IOWA

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 38525 of the FEDERAL REGISTER of July 28, 1977 (42 FR 38525).

EFFECTIVE DATE: July 28, 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.

The following corrections are made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Floyd River	25 ft downstream of county road, 4,350 ft upstream of Highwy 75.	1,194
	6,000 ft upstream of county road.	1,197
	50 ft downstream of State Highway 3.	1,202
	100 ft downstream of U.S. Highway 75.	1,207
	At the northern corporate limits.	1,210
Willow Creek	At the Chicago and Northwestern Ry.	1,212
	At Seney Rd	1,214
	At eastern corporate limits.	1,216

The following locations are deleted as they are outside the corporate limits of Le Mars, Iowa, and are for reference only:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Floyd River	At the downstream face of Illinois Central Gulf RR.	1,190
	At the upstream face of Highway 75.	1,194
	At the downstream face of Chicago and Northwestern Ry.	1,212
	At the downstream face of county road.	1,217
Willow Creek	At the downstream face of Illinois Central Gulf RR.	1,220
	At the downstream face of county road.	1,222

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–32118 Filed 11–9–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3581]

MUNICIPALITY OF ANCHORAGE, ALASKA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Municipality of Anchorage, Alaska. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Loussac Library, 415 F Street, Anchorage, Alaska 99501.

Send comments to: The Honorable George Sullivan, Mayor of Anchorage, Anchorage, Alaska 99502.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Municipality of Anchorage, Alaska, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, Greater Anchorage area borough post quake, U.S. coastal and geodetic survey, mean sea level datum of 1972 (MSL)
Peters Creek	Mouth	19
	Alaska RR	73
	Helluva St. (extended).	142
	Valley Ave. (extended).	183
	New Glenn Highway.	259
	Old Glenn Highway.	271
	Confluence of Little Peters Creek.	303
Meadow Creek	300 ft upstream of confluence with Eagle River.	220
	Eagle River Rd	335
	Eagle River Loop Rd.	616
Ship Creek	Confluence with Knik Arm.	19
	C St	19
	Alaska RR	31
	Post Rd	40
	Fort Richardson military reservation boundary.	75
Chester Creek	Confluence with Knik Arm.	19
	Spenard Thruway	21
	Spenard Rd	23
	Aretic Blvd	23
	C St	28
	Gambell St	49
	Confluence with South Fork Chester Creek.	66
South Fork Chester Creek.	Confluence with Chester Creek.	66
	Maplewood St	87
	Lake Otis Parkway	92
	East Northern Lights Blvd.	114
	Mallard Dr	121
	Providence Ave	138
	Wesleyan Dr	174
	Knight's Way	177
	Confluence with South Branch of South Fork Chester Creek.	180
South Branch of South Fork Chester Creek.	Checkmate Dr	183
	Downstream of Boniface Parkway.	186
	Upstream of Boniface Parkway.	198
	33d Ave	198
	Campbell Field Rd.	202
	Carnaby Way	204
	Upstream of East Northern Lights Blvd.	210
	Baxter Rd	212
	East 20th Ave	232
	East 17th Ave	234
	Muldoon Rd	252
Middle Branch of South Fork Chester Creek.	DeBarr Rd	251
	Muldoon Rd	251
	Rangeview Ave	259
	Valley Rd	262
	Cherry St	265

Source of flooding	Location	Elevation in feet, Greater Anchorage area borough post quake, U.S. coastal and geodetic survey, mean sea level datum of 1972 (MSL)
Fish Creek	Upstream of Alaska RR.	30
	Upstream of Forest Park Dr.	34
	Upstream of Northern Lights Blvd.	35
	Upstream of Alaska RR.	41
	Upstream of 30th Ave.	42
	Upstream of McRae Rd.	47
	Upstream of Spenard Rd.	58
	Northwood Dr.	58
	Upstream of 44th Ave.	65
	Upstream of Alaska RR.	78
	Upstream of Minnesota Ave.	82
	Chugach Way	85
	Upstream of Arctic Blvd.	92
	Upstream of 36th Ave.	100
	Upstream of Old Seward Highway.	115
	Upstream of New Seward Highway.	116
	Upstream of Tudor Rd near Becharof St.	122
	Upstream of Shelikef St.	127
	Upstream of Tudor Rd between Lake Otis Parkway and Macinnes Rd.	132
	Upstream of Lake Otis Parkway.	137
Campbell Creek.	Campbell Lake	20
	Dimond Blvd	26
	Mentra St	42
	Robena St	46
	Arctic Blvd	53
	C St	59
	Alaska RR	78
	Dowling Rd	98
	Old Seward Highway.	107
	New Seward Highway.	118
	Cache Dr	123
	Dimond Dr	134
	Lake Otis Parkway.	141
North Fork Campbell Creek.	Confluence with Campbell Creek.	153
South Fork Campbell Creek.	Confluence with Cambpell Creek.	153
	East 50th Ave. (extended).	156
Little Campbell Creek.	Confluence with Campbell Creek.	77
	Nathan Dr	81
	Glade Pl	88
North Fork Little Campbell Creek.	Confluence with Little Campbell Creek.	89
	Upstream of Old Seward Highway.	95
	Upstream of East 72d Ave.	99
	Upstream of East 71st Ave.	104
	Upstream of New Seward Highway.	113
South Branch of North Fork Little Campbell Creek.	Confluence with North Fork Little Campbell Creek.	153
	Downstream of Lake Otis Parkway.	145
	Upstream of East 68th Ave.	148
	Upstream of East 72d Ave.	162
	Spruce Rd	186
	Downstream of Abbott Loop Rd.	210

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32115 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3582]

TOWN OF WALLINGFORD, NEW HAVEN COUNTY, CONN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Wallingford, New Haven County, Conn. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Engineer's Office, Town Farm Road, Wallingford, Conn. 06492.

Send comments to: The Honorable Rocko J. Vumbaco, Mayor, Town of Wallingford, 350 Center Street, Wallingford, Conn. 06492.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Wallingford in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 110.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirement. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy River	At the downstream corporate limit.	90
	Dayton Hill Rd	105
	Dam, 400 ft upstream from Dayton Hill Rd.	114
	Woodhouse Ave	118
	Tyler Mill Rd	147
	50 ft downstream from Northford Rd.	173
	Mackenzie Reservoir Dam.	200
	Whirlwind Rd	203
	Scard Rd	203
	0.5 mil upstream from Scard Rd.	218
	Linney Hall Lane	229
	Farm Lane	240
	Old Durham Rd	247
	Spring Lake Dam	261
	Hampton Trail	265
Quinnipiac River	Toelles Rd	23
	700 ft upsteam from confluence with Oakdale Brook.	29
	70 ft upstream from Hall Ave.	42
	Route 15	46
	Church St	55
	Dam, 450 ft upstream from Route 5A.	57
	225 ft downstream from Oak St.	63
	300 ft downstream from corporate limit.	72
Grieb Court Brook	120 ft downstream from Old Durham Rd.	243
	Old Durham Rd	247
	Grieb Court	254
Wharton Brook	2,200 ft upstream from confluence with Quinnipiac River.	24
	Penn Central RR and Route 5.	33
	Route 91 connector	51
	Confluence with Lyman Hall Brook.	57
	150 ft downstream from Wharton Brook Dr.	65
	Wharton Brook Dr	76
	75 ft upstream from Ward St.	84
	Walkway, 1,000 ft downstream of Wall St.	85
	350 ft upstream from Wall St.	88
	East Center St	94
	Walkway 300 ft downstream of Simpsons Pond Dam.	104
	Simpsons Pond Dam	118
	Christian St	142
	Old Durham Rd	171
	East Main St., 1st crossing.	179
	East Main St., 2d crossing.	224
	Grieb Rd	247
	500 ft downstream from Barnes Rd.	320

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lyman Hall Brook	Reskin Dr.	58
	75 ft upstream from Field Dr.	64
	Cardinal Dr.	65
	Pond Hill Rd.	84
	Harrison Rd.	96
Oakdale Brook	Confluence with Quinnipiac River	29
	Route 15.	35
	Private drive, 130 ft downstream of Hartford Turnpike.	40
	Hartford Turnpike.	46
	Private drive, 350 ft downstream of Cook Hill Rd.	68
Oakdale Brook	Cook Hill Rd.	87
	Montowese Trail Rd.	122
Woodings Pond Brook.	Confluence with Quinnipiac River.	47
	Hartford Turnpike.	70
	30 ft downstream from road to school.	76
	Parker Farms Rd.	104
	Ridgewood Rd.	138
Meetinghouse Brook.	Confluence with Quinnipiac River.	56
	Railroad bridge.	72
	Route 5.	77
	Power transmission line.	97

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 1704, 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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32116 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3583]

TOWN OF SEYMOUR, NEW HAVEN COUNTY, CONN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Seymour, New Haven County, Conn. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Engineer's Office, Town Hall, One First Street, Seymour, Conn. 06483.

Send comments to: Ms. Anna LoPresti, First Selectwoman, Town of Seymour, One First Street, Seymour, Conn. 06483.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Seymour in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Naugatuck River	Confluence of Fountain Lake Brook.	45
	At Kinneytown Dam.	63
	1,850 ft downstream of Tingle Mills Dam.	70
	At Tingle Mills Dam.	82
	100 ft downstream of Bank St.	87
	2,675 ft upstream of ConRail R R bridge.	92
	5,575 ft upstream of ConRail R R bridge	99
Housatonic River	9,700 ft downstream of Fourmile Brook confluence.	40
	1,300 ft upstream of Fourmile Brook confluence.	48
Little River	At confluence with Naugatuck River	86
	At Stone Weir, 355 ft upstream of River St.	95
	At Dam, 480 ft upstream of River St.	103
	At dam, 730 ft upstream of River St.	136
	3,000 ft upstream of River St.	148
	At dam, 3,420 ft upstream of River St.	165
	4,600 ft upstream of River St.	165
Bladens River	At confluence with Naugatuck River.	89
	40 ft downstream of Kerite Dam.	108
	At Kerite Dam	127
	At Kerite Dr.	128
	At Beach St.	149
	At dam, 700 ft upstream of Beach St.	172
	1590 ft downstream of Chatfield Rd.	174
	At Chatfield Rd.	202
Bladens River Tributary.	At confluence with Bladens River.	203
	At park crossing	228
	130 ft downstream of Bunting Rd.	245
	Bunting Rd.	258
	230 ft upstream of Bunting Rd.	261

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32117 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3584]

CITY OF BANGOR, PENOBSCOT COUNTY, MAINE

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bangor, Penobscot County, Maine. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Planning Office, City Hall, 73 Harlow Street, Bangor, Maine 04401.

Send comments to: The Honorable Dennis D. Soucy, Mayor, City of Bangor, City Hall, 73 Harlow Street, Bangor, Maine 04401.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bangor, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Penobscot River	At the downstream face of State Route 1A.	17
	At the downstream face of Main Central Rd.	18
	120 ft downstream of Bangor Water Works Dam.	20
	120 ft upstream of Bangor Water Works Dam.	30
Kenduskeag Stream.	120 ft downstream of Central St.	17
	120 ft downstream of Harlow St.	18
	0.4 mi upstream from Harlow St.	21
	At the downstream face of Valley Ave.	32
	At the downstream face of Interstate 95.	39
	At the downstream face of Griffin Rd.	60
	At the downstream face of State Route 15.	83
Great Brook	890 ft upstream from State Route 15.	87
Osgood Brook	At the upstream face of Finson Rd.	84
	210 ft upstream from Finson Rd.	88
	At the upstream face of Ohio St.	120
Tributary No. 2, approximately 4,100 ft upstream from Bangor Water Works Dam on Penobscot River.	1,055 ft upstream from U.S. Route 2.	30
	At the downstream face of Mount Hope Ave.	43
	At the downstream face of Hogan Rd.	60
	At the downstream face of Sylvan Rd.	76
	At the downstream face of Stillwater Ave.	97
	At the downstream face of Bicycle Path.	109
Tributary No. 3, approximately 370 ft upstream from the confluence of Tributary No. 2 with Penobscot River.	530 ft upstream from the confluence with Tributary No. 2.	34
	At the downstream face of Cemetery Rd.	48
	At the downstream face of twin 48-in culvert.	52
	At the downstream face of Mount Hope Ave.	54
	At the downstream face of 48-in culvert.	57
	At the downstream face of earthen dam.	63

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–32119 Filed 11–9–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3585]

COUNTY OF CARROLL, MD.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Carroll, Md. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100–year) flood elevations are available for review at the County Building, in the conference room, 225 North Center Street, Westminister, Md.

Send comments to: Mr. J. Norman Graham, Carroll County Office Building, 225 North Center Street, Westminster, Md.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100–year) flood elevations for the County of Carroll, Maryland in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100–year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Branch	Halter Rd	583
	Hughes Shop Rd	596
	County road at upstream limit of detailed study.	679
Beaver Run	Maryland Route 91	441
	Kays Mill Rd	462
	Confluence with Tributary No. 35.	491
	Green Mill Rd	567
	Bollinger Rd	629
	Arnold Rd	670
Big Pipe Creek (II)	Maryland Route 32	619
	Meadow Branch Rd	687
Buckhorn Run	Confluence with Piney Run.	602
	Buckhorn Rd	629
Copps Branch	Wakefield Rd	533
	Confluence with Tributary No. 107.	565
Cranberry Branch	Old Manchester-Westminister Rd.	648
	Maryland Route 27	673
	Confluence with Tributary No. 18.	721

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Double Pipe Creek	Confluence with Monocacy River.	327
	Confluence with Big Pipe Creek and Little Pipe Creek.	333
East Branch Patapsco River.	Chessie System	502
	Patapsco Rd (downstream).	524
	Patapsco Rd (upstream).	569
Georges Run	Mapel Grove Rd	829
	Confluence with Tributary No. 7.	851
Little Morgan Run (I).	Warfieldsburg Rd	666
Little Morgan Run (II).	Bartholow Rd	451
	Linton Rd	491
	Maryland Route 97	503
	Washington Rd	597
Little Pipe Creek	Confluence with Big Pipe Creek and Double Pipe Creek.	333
	Maryland Route 194	353
	Good Intent Rd	388
	McKinstry Mill Rd	416
	Winters Church Rd	427
	Maryland Route 75	439
	Stone Chapel Rd	545
	Confluence with Tributary No. 105.	579
	Maryland Route 27 (downstream).	634
	Bond St	675
Middle Run (I)	Confluence with Beaver Run.	583
	Bollinger Rd	632
Middle Run (II)	Louisville Rd	470
	Maryland Route 91	512
	Niner Rd	561
	Confluence with Tributary No. 38.	635
Murphy Run	Beckleysville Rd	662
	Confluence with Tributary No. 9.	681
	Dave Rill Rd	726
	Fairmount Rd	741
	Utz Rd	789
	Chessie System	827
North Branch Patapsco River.	Maryland Route 91	442
	Lawndale Rd	457
	Tank Rd	475
	Wesley Rd	501
Piney Branch	Confluence with South Branch Patapsco River.	386
	Oklahoma Rd	475
Piney Creek	Maryland Route 97	417
	Harney Rd	433
	Teeter Rd	479
Piney Run	Arrington Rd	376
	Brangles Rd	409
	Confluence with Buckhorn Run.	602
	Freter Rd	648
	Liberty Rd	693
Roaring Run	Confluence with North Branch Patapsco River.	445
	Brown Rd	522
	Sandymount Rd	648
Roop Branch	Maryland Route 75	420
	Maryland Route 84	438
Sams Creek	Maryland Route 75	398
South Branch Patapsco River.	Confluence with Tributary No. 68.	389
	Gaither Rd	426
	Maryland Route 97	446
	Morgan Rd	469
	Flagg Marsh Rd	503
West Branch Patapsco River.	Patapsco Rd	512
	Carrollton Rd	571
	Tannery Rd	631
	Maryland Route 27	660
	Lemon Rd	708
Tributary No. 7	Confluence with Georges Run.	851
Tributary No. 9	Confluence with Murphy Run.	681
	Dam	765
Tributary No. 10	Confluence with Tributary No. 11.	730
Tributary No. 11	Confluence with Tributary No. 10.	730
Tributary No. 14	Confluence with Branch Patapsco River.	701
	Lemon Rd	715
Tributary No. 15	Confluence with West Branch Patapsco River.	693
Tributary No. 16	Confluence with West Branch Patapsco River.	677
	Wilmert Rd	710
Tributary No. 18	Confluence with Cranberry Branch.	721
Tributary No. 19	Confluence with Cranberry Branch.	692
Tributary No. 21	Lemon Rd	713
	Old Backmans Rd	729
Tributary No. 22	Confluence with West Branch Patapsco River.	611
	Gorsuch Rd (farthest downstream of 3).	698
	Gorsuch Rd (farthest upstream of 3).	729
Tributary No. 23	Chessie System	590
Tributary No. 24	Bethel Rd	566
Tributary No. 25	Confluence with West Branch Patapsco River.	514
Tributary No. 32	Poole Rd	682
Tributary No. 33	Bollinger Rd	631
Tributary No. 35	Confluence with Beaver Run.	491
Tributary No. 36	Confluence with Beaver Run.	487
Tributary No. 38	Confluence with Middle Run (II).	635
	Birdview Rd	690
Tributary No. 39	Niner Rd	559
	Confluence with Tributary No. 40.	647
	Birdview Rd	698
Tributary No. 40	Confluence with Tributary No. 39.	647
	Birdview Rd	712
Tributary No. 58	Klee Mill Rd	647
Tributary No. 59	Concrete Ford	428
	Oklahoma Rd	479
Tributary No. 60	Confluence with Liberty Lake.	427
	Highlands Rd	491
Tributary No. 61	Maryland Route 32	552
Tributary No. 65	Confluence with Piney Run.	395
Tributary No. 66	Do.	378
Tributary No. 67	Chessie System	347
Tributary No. 69	Confluence with South Branch Patapsco River.	413
Tributary No. 70	Gaither Rd	425
Tributary No. 90	Confluence with South Branch Patapsco River.	609
Tributary No. 91	Do.	640
	Maryland Route 144	706
Tributary No. 103	Maryland Route 27	622
Tributary No. 104	Do	593
	Dam	660
Tributary No. 105	Maryland Route 27 (downstream).	590
	Maryland Route 27 (upstream).	649
Tributary No. 107	Confluence with Copps Branch.	565
Tributary No. 108	Rockland Road (farthest downstream).	499
Tributary No. 116	Chessie System	437
Tributary No. 154	Confluence with Piney Creek.	410
	Francis Scott Key Highway.	466
	Con Rail	510
Tributary No. 155	Maryland Route 194	470

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32120 Filed 11-9-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3586]

COUNTY OF MONTGOMERY, MD.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Montgomery, Md. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Office Building, 100 Maryland Avenue, Rockville, Md. 20850.

Send comments to: Mr. James P. Gleason, County Executive of Montgomery County, County Office Building, 100 Maryland Avenue, Rockville, Md. 20850.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Montgomery, Md. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates

for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Booze Creek	Cabin John Parkway	119
	River Rd	157
	Beech Tree Rd	176
	Howell Rd	215
	Bradley Blvd	230
Buck Branch	Bells Mill Rd	264
	Footbridge	293
Bulls Run	Confluence with Booze Creek.	203
	Bradley Blvd	220
	Valley Rd	229
	Greentree Rd	234
Cabin Branch	Confluence with Great Seneca Creek.	331
	Watkins Mill Rd	353
	Montgomery Village Ave.	363
	Goshen Rd	390
	Snouffers School Rd	423
	Confluence of Tributary No. 67.	447
Cabin John Creek	Interstate 495, northbound.	120
	Seven Locks Rd	136
	River Rd	163
Coquelin Run	Confluence with Rock Creek.	188
	Beach Dr	188
	Limit of detailed study (350 ft downstream of Connecticut Ave).	227
Crabbs Branch	Confluence with Rock Creek.	306
	1,800 ft. above confluence with Rock Creek.	355
	3,100 ft above confluence with Rock Creek.	369
	4,600 ft above confluence with Rock Creek.	376
	6,900 ft above confluence with Rock Creek.	391
	9,500 ft above confluence with Rock Creek.	415
	Redland Rd	432
Goshen Branch	Confluence with Great Seneca Creek.	361
	Blunt Rd	391
	State Route 124	423
Great Seneca Creek.	Confluence with Seneca Creek.	229
	Blackrock Rd	246
	Damestown Rd	262
	Confluence of Tributary No. 80.	267
	Riffle Ford Rd	279
	Confluence of Gunners Branch.	289
	Clopper Rd	309
	B. & O. RR	312
	Washington National Pike.	317
	State Route 355	323
	Confluence of Cabin Branch.	331
	Watkins Mill Rd	344
	Brink Rd	360
	Blunt Rd	376
	Confluence of Magruder Branch.	419
	State Route 124	431
	Confluence of Tributary No. 55.	441
	Confluence of Tributary No. 54.	507
Greenbrier Branch	Confluence with Sandy Branch.	225
	Glen Mill Rd	249
Gunners Branch	Confluence with Great Seneca Creek.	289
	Clopper Rd	308
	B. & O. RR	327
	Confluence of Tributary No. 76.	338
Hawlings River	Confluence with Patuxent River.	323
	State Route 650	323
	Goldmine Rd	323
	Confluence of Reddy Branch.	328
James Creek	Confluence with Hawlings River.	323
	Confluence of Tributary No. 212.	361
	Driveway	410
Kilgour Branch	North Glen Rd	257
	Confluence of Tributary No. 102.	282
	Broadgreen Way	303
Little Bennett Creek.	County Boundary	342
	Hyattstown Rd	352
	Frederick Rd	366
Little Falls Branch	Confluence with Potomac River.	54
	George Washington Memorial Parkway.	54
	Blackstone Rd (extended).	160
	Brookeway Dr (extended).	163
	Massachusetts Ave	182
	Little Falls Parkway	196
	Greenway Dr	218
	River Rd	225
Little Paint Branch.	County boundary	249
	Aqueduct	260
	Robey Rd (extended).	277
Little Seneca Creek	Confluence with Bucklodge Branch and Seneca Creek.	244
	Shaeffer Rd	247
	Confluence of Tributary No. 51.	251
	Confluence of Tributary No. 50.	284
	Hoyles Mill Rd	289
	Confluence of Tributary No. 47.	302
	Confluence of Tributary No. 46.	307
Magruder Branch	Confluence with Great Seneca Creek.	419
	Watkins Rd (downstream).	434
	Watkins Rd. (upstream).	439
	Welsh Rd	513
	Sweepstakes Rd. (downstream).	586
	Sweepstakes Rd. (upstream).	694
	Unfinished Rd. (downstream).	694
	Unfinished Rd. (upstream).	704
Minnehaha Branch	100 ft. upstream of MacArthur Blvd.	124
	Goldsboro Rd	186
	Rannoch Rd	190
	Goldsboro Rd. (2d crossing).	228
	River Rd	252
	Goldsboro Rd. (3d crossing).	254
	Tanglewood Dr. extended)	266
Muddy Branch	Confluence with Potomac River.	197
	River Rd	197
	Esworthy Rd. (downstream).	214
	Esworthy Rd. (upstream).	217
	Confluence of Tributary No. 91.	222
	Confluence of Tributary No. 90.	238
	Turkey Foot Rd	250
	Quince Orchard Rd	274
	Confluence of Rich Branch.	276
	Clover Knoll Ci. (extended).	295
	American Way	312
	Route 28 (downstream).	313
	Route 28 (upstream)	318
North Branch Rock Creek.	Confluence with Rock Creek.	279
	Lake Bernard Frank	334
	Muncaster Mill Rd. (downstream).	334
	Muncaster Mill Rd. (upstream).	339
	Confluence of Tributary No. 151.	356
	Confluence of Tributary No. 150.	362
	Confluence of Tributary No. 148.	366
	Confluence of Tributary No. 143.	378
	Confluence of Tributary No. 146.	379
	Bowie Mill Rd	394
	Confluence of Tributary No. 142.	418
	Limit of detailed study (75 ft downstream of Olney-Laytonsville Rd. [Route 108].	486
Northwest Branch	County boundary	120
	Interstate Route 495	132
	Edelblut Dr. (extended).	155
	Colesville Rd	221
	Burnt Mills Dam (downstream).	224
	Burnt Mills Dam (upstream).	236
	Randolph Rd	279
	Proposed Randolph Rd.	280
	Confluence of Tributary No. 178.	294
	Bonifant Rd	312
	Proposed Bonifant Rd.	313
	Unnamed Rd	330
	Colesville Rd. (downstream).	355
	Colesville Rd. (upstream).	359
	Ednor Rd	369
	Norwood Rd	423
Old Farm Creek	Confluence of Tributary No. 182.	262
	Confluence of Tributary No. 120.	269
	Tilden Lane (downstream).	272
	Tilden Lane (upstream).	280
	Confluence of Triptary No. 119.	288
	Confluence of Tributary No. 118.	292
Paint Branch	County Boundary	158
	Confluence of Tributary No. 189.	161
	Confluence of Tributary No. 188.	168
	Naval Ordnance Laboratory Road.	189
	Naval Ordnance Laboratory Road.	192
	Confluence of Tributary No. 187.	206
	Old Columbia Rd	236
	Columbia Pike, northbound.	242
	Columbia Pike, southbound.	243
	Confluence of Tributary No. 186.	250
	Randolph Rd	270
	Fairland Rd. (downstream).	295
	Fairland Rd. (upstream).	297
	Confluence of Tributary No. 185.	309
	Briggs Chaney Rd. (downstream).	339
	Briggs Chaney Rd. (upstream).	344
	Confluence of Tributary No. 184.	348
	Fair Acres Rd. (extended).	363

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piney Branch	Confluence with Watts Branch.	227
	Glen Rd. (downstream).	236
	Glen Rd. (upstream)	238
	Confluence of Tributary No. 105.	247
	Glen Mill Rd. (downstream).	277
	Glen Mill Rd. (upstream).	282
	Glen Mill Rd. (downstream, 2d crossing).	330
	Glen Mill Rd. (upstream, 2d crossing).	335
	Confluence of Tributary No. 104.	358
Reddy Branch	Confluence with Hawlings River.	328
	Brookeville Rd. (75 ft downstream).	330
	Brookeville Rd. (75 ft upstream).	334
	Route 97	382
	Brookeville Rd. (2d crossing).	389
	Brookeville Rd. (3d crossing).	404
	Brookeville Rd. (4th crossing).	411
Rich Branch	Confluence with Muddy Branch.	276
	Dufief Mill Rd. (downstream).	321
	Dufief Mill Rd. (upstream).	334
Rock Creek	County Boundary	178
	East West Highway (downstream).	185
	East West Highway (upstream).	187
	Confluence of Coquelin Run.	188
	B. & O. RR.	190
	Interstate 495	204
	Kensington Ave.	207
	Connecticut Ave.	210
	Cedar Lane	215
	Beach Dr.	223
	Beach Dr. (2d crossing).	227
	Knowles Ave.	232
	B. & O. RR. (also Beach Dr., 3d crossing).	237
	Garrett Park Rd.	243
	Randolph Rd.	247
	Confluence of Turkey Branch.	250
	Parklawn Cemetery Rd.	254
	Viers Mill Rd.	260
	Baltimore Rd.	274
	Norbeck Rd.	275
	Avery Rd.	281
	Southlawn Lane	290
	Confluence of Crabbs Branch.	306
	Dam	352
	Needwood Rd.	352
	Muncaster Mill Rd.	354
	Muncaster Rd.	398
	Confluence of Tributary No. 132.	405
	Private road	407
Rock Run	MacArthur Blvd	127
	Saunders Lane (extended).	208
	Confluence of Tributary No. 109.	261
	Confluence of Tributary No. 108.	277
	Oaklyn Dr.	285
	Logan Dr.	293
Sandy Branch	Confluence with Watts Branch.	190
	Confluence of Tributary No. 98.	190
	Beal Mountain Rd.	196
	Confluence of Greenbrier Branch.	225
	Glen Rd. (downstream).	256
	Glen Rd. (upstream)	259
Seneca Creek	Confluence with Potomac River.	203
	River Rd.	203
	Confluence of Dry Seneca Creek.	208
	Dawsonville Rd.	228
	Confluence with Bucklodge Branch and Little Seneca Creek.	244
Sligo Creek	County boundary	170
	Park Valley Rd.	176
	Piney Branch Rd.	199
	Wayne Ave.	214
	Maryland Route 29	237
	Confluence of Tributary No. 164.	266
	Interstate 495	271
	Forest Glen Rd.	276
	Dennis Ave.	294
	University Blvd.	338
	Easecrest Dr. (extended).	365
Snakeden Branch	Confluence with Cabin John Creek.	227
	Seven Hill Dr (extended).	267
	Tuckerman Lane	297
	Pedestrian bridge	319
	Gainsborough Rd.	329
	70 ft downstream of Postoak Rd.	367
Thomas Branch	Confluence with Cabin John Creek.	133
	River Rd.	146
	Interstate 495 (1st crossing).	164
	Interstate 495 (2d crossing).	191
	Bradley Blvd	218
	100 ft downstream of Fernwood Rd.	320
Turkey Branch	Confluence with Rock Creek.	250
	Viers Mill Rd.	251
	Bayne St. (extended).	263
	Grenoble Dr. (extended).	270
	Connecticut Ave.	288
	Galvez St. (extended).	302
	Georgia Ave.	310
	Grand Pre Rd (extended).	348
Watts Branch	Confluence with Potomac River.	190
	Maryland Route 190	190
	Unnamed rd.	196
	Piney Meetinghouse Rd. (downstream).	216
	Piney Meetinghouse Rd. (upstream).	222
	Confluence of Piney Branch.	227
	South Glen Mill Rd. (downstream).	253
	South Glen Mill Rd. (upstream)	257
	Weatherwood Ct. (extended).	272
	Ambleside Dr. (downstream).	279
	Ambleside Dr. (upstream).	282
	Confluence of Tributary No. 100.	282
	Confluence of Tributary No. 99.	293
	County boundary	306
Whetstone Run	Confluence of Tributary No. 74.	371
	Summit Rd.	388
Willet Branch	Confluence with Little Falls Branch.	191
	Upstream inlet of of B. & O. RR. culvert.	211
	Sandy Landing Rd.	211
	Pedestrian bridge	224
	River Rd.	229
Unnamed streams		
Tributary No. 7	Confluence with Little Bennett Creek.	354
	Upstream limit of detailed study (1,540 ft upstream of mouth).	373
Tributary No. 46	Confluence with Little Seneca Creek.	307
	Upstream limit of detailed study (4,040 ft upstream of mouth).	369
Tributary No. 47	Confluence with Little Seneca Creek.	302
	Farm Lane (No. 1)	317
	Farm Lane (No. 2)	347
	Farm Lane (No. 3 extended).	394
Tributary No. 54	Confluence with Great Seneca Creek.	507
	Woodfield School Rd.	511
	Upstream limit of detailed study (4,500 ft upstream of mouth).	
Tributary No. 55	Confluence with Great Seneca Creek.	441
	Hanson Rd. (extended).	501
	Upstream limit of detailed study (200 ft downstream of Woodfield School Rd).	502
Tributary No. 67	Confluence with Cabin Branch.	447
	Cessna Ave (extended).	459
Tributary No. 68	Confluence with Cabin Branch.	415
	Strawberry Knoll Rd.	423
	Private Dr. (No. 1)	439
	Private Dr. (No. 2)	440
	Bonanza Way (extended).	463
Tributary No. 69	Confluence with Cabin Branch.	415
	Snouffers School Rd.	422
	Upstream limit of detailed study (5,730) ft upstream of mouth).	493
Tributary No. 70	Confluence with Cabin Branch.	380
	Goshen Rd.	396
	Confluence of Tributary No. 71.	401
	50 ft downstream of Snouffers School Rd. (upstream limit of detailed study)	467
Triburary No. 71	Confluence with Tributary No. 70.	401
	Upstream limit of detailed study (50 ft downstream of Snouffers School Rd.).	484
Tributary No. 72	Confluence with Cabin Branch.	369
	Stewarton Rd.	369
	Top of dam	394
Tributary No. 74	Confluence with Whetstone Run.	371
	Emory Grove Rd.	385
	Goshen Rd.	399
	Quail Valley Blvd	417
Tributary No. 76	Confluence with Gunners Branch.	338
	Middle Brook Rd.	428
Tributary No. 77	Confluence with Gunners Branch.	295
	Heidelburg Rd.	317
	Clopper Rd.	338
	Retreat Lane (extended).	350
Tributary No. 78	Confluence with Gunners Branch.	292
	Metz Ct (extended)	324
	Germantown Rd.	352
	Upstream Limit of detailed study (30 ft downstream of Maryland Route 118).	424
Tributary No. 79	Confluence with Great Seneca Creek	284
	Rd (unnamed 1,440 ft upstream mouth).	306

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 80	Confluence with Great Seneca Creek.	267
	White Rock Rd (extended).	332
Tributary No. 81	Confluence with Great Seneca Creek.	264
	Confluence of Tributary No. 81.	277
	Riffle Ford Rd Culvert-Inlet.	333
Tributary No. 82	Confluence with Tributary No. 81.	277
	Upstream limit of detailed study (300 ft downstream of Maryland Route 118).	330
Tributary No. 87	Confluence with Potomac River.	202
	Rd (unnamed 2,950 ft upstream of mouth).	214
	River Rd.	268
Tributary No. 90	Confluence with Muddy Branch.	238
	Turkey Foot Rd.	269
Tributary No. 91	Confluence with Muddy Branch.	222
	Farm Lane.	272
Tributary No. 92	Confluence with Muddy Branch.	205
	Upstream limit of detailed study (6,000 ft upstream of mouth).	354
Tributary No. 93	Confluence with Tributary No. 94.	224
	Upstream limit of detailed study (6,045 ft upstream of mouth).	362
Tributary No. 94	Confluence with Muddy Branch.	197
	Confluence of Tributary No. 93.	224
	Upstream limit of detailed study (150 ft downstream of Pettit Way).	285
Tributary No. 98	Confluence with Sandy Branch.	190
	Stony Creek Rd.	190
	Beall Creek Ct. (extended).	238
Tributary No. 99	Confluence with Watts Branch.	293
	Falls Chapel Way (downstream).	326
	Falls Chapel Way (upstream).	333
Tributary No. 100	Confluence with Watts Branch.	282
	Tailridge Dr. (do vnstream).	283
	Tailridge Dr. (upstream).	290
Tributary No. 102	Confluence with Kilgour Branch.	282
	Unnamed Road. (downstream).	286
	Unnamed Road. (upstream).	293
	Bedfordshire Ave. (downstream).	308
	Bedfordshire Ave. (upstream).	316
Tributary No. 104	Confluence with Piney Branch.	358
	Aqua Lane (downstream).	398
	Aqua Lane (upstream).	399
Tributary No. 105	Confluence with Piney Branch.	247
	Upstream limit of detailed study (6,150 ft upstream of mouth).	328
Tributary No. 106	Confluence with Watts Branch.	223
	Tara Rd. (downstrea 1).	245
	Tara Rd. (upstream)	255
	Unnamed Road. (downstream).	319
	Unnamed Road. (upstream).	326
Tributary No. 108	Confluence with Rock Run.	277
	Falls Rd.	315
Tributary No. 109	Confluence with Rock Run.	261
	Upstream limit of detailed study (5,080 ft upstream of mouth).	319
Tributary No. 111	Confluence with Cabin John Creek.	168
	Bradley Blvd.	193
	Kendale Rd.	210
	Confluence of Tributary No. 112.	235
Tributary No. 112	Confluence with Tributary No. 111.	235
	Upstrea a limit of detailed study (60 ft downstream of Logan Dr.).	302
Tributary No. 113	Confluence with Buck Branch.	197
	Carmelita Dr.	208
	Upstream limit of detailed study (2,750 ft upstream of mouth).	266
Tributary No. 118	Confluence with Old Farm Creek.	292
	Randolph Rd., inlet of culvert.	329
Tributary No. 119	Confluence with Old Farm Creek.	288
	Danville Dr. (1st crossing).	299
	Danville Dr. (2d crossing).	310
Tributary No. 120	Confluence with Old Farm Creek.	269
	Marcliff Rd. culvert-inlet.	324
Tributary No. 122	Confluence with Cabin John Creek.	158
	Fenway Rd.	181
Tributary No. 129	Western Ave.	261
Tributary No. 130	Confluence with Tributary No. 129.	263
	Brennon Lane.	271
	Pomander Lane.	278
Tributary No. 132	Confluence with Rock Creek.	405
	Upstream limit of detailed study (8,500 ft upstream of mouth).	500
Tributary No. 133	Confluence with Rock Creek.	399
	Upstream limit of detailed study (6,540 ft upstream of mouth).	469
Tributary No. 134	Confluence with Rock Creek.	391
	Upstream limit of detailed study (3,190 ft upstream of mouth).	433
Tributary No. 135	Confluence with Rock Creek.	389
	Upstream limit of detailed study (5,200 ft upstream of mouth).	464
Tributary No. 136	Confluence with Rock Creek.	386
	Upstream limit of detailed study (2,150 ft upstream of mouth).	428
Tributary No. 138	Confluence with Rock Creek.	291
	Driveway.	319
	Incinerator Lane.	337
	Confluence of Tributary No. 139.	351
	East Gude Dr.	400
	Unnamed Rd (No. 1).	407
	Unnamed Rd (No. 2).	413
Tributary No. 139	Confluence with Tributary No. 138.	351
	Dover Rd.	404
	Upstream county boundary.	406
Tributary No. 141	Confluence with Tributary No. 142.	420
	Driveway.	443
Tributary No. 142	Confluence with North Branch Rock Creek.	418
	Confluence of Tributary No. 141.	420
	Unnamed Rd.	439
	Driveway.	450
Tributary No. 143	Confluence with North Branch Rock Creek.	378
	Cashell Rd.	399
	Confluence of Tributary No. 145.	404
	Confluence of Tributary No. 144.	437
	Gelding Lane.	440
Tributary No. 144	Confluence with Tributary No. 143.	437
	Mehrens Ter (extended).	465
Tributary No. 145	Confluence with Tributary No. 143.	404
	Queen Elizabeth Dr. (extended).	439
	Upstream limit of detailed study (80 ft downstream of LaFayette Dr).	470
Tributary No. 146	Confluence with North Branch Rock Creek.	379
	Upstream limit of detailed study (3,100 ft upstream of mouth).	417
Tributary No. 148	Confluence with North Branch Rock Creek.	366
	George Washington Dr.	403
	Cashell Rd.	424
	Blossom View Dr.	440
Tributary No. 149	Confluence with Tributary No. 148.	438
	Unnamed Rd (No. 1).	442
	Unnamed Rd (No. 2).	464
Tributary No. 150	Confluence with North Branch Rock Creek.	362
	Emory Lane.	396
	Sycamore Lane (extended).	426
Tributary No. 151	Confluence with North Branch Rock Creek.	356
	Upstream limit of detailed study (4,000 ft upstream of mouth).	418
Tributary No. 152	Confluence with North Branch Rock Creek.	334
	Sycamore Lane (extended).	362
Tributary No. 153	Confluence with Rock Creek.	274
	County boundary.	277
Tributary No. 155	Confluence with Rock Creek.	245
	Ashley Dr.	245
	Schuylkill Rd.	262
	Rockinghorse Rd.	267
Tributary No. 156	Confluence with Rock Creek.	243
	Shaller Dr. (extended).	262
Tributary No. 157	Confluence with Rock Creek.	224
	Montrose Ave.	228
Tributary No. 158	Confluence with Rock Creek.	223
	Middle of Wisconsin Ave.	223
	Dam (3d from mouth of tributary).	227
	Tuckerman Lane.	253
	Fleming Ave.	266
Tributary No. 159	Confluence with Rock Creek.	220
	Wisconsin Ave.	227
Tributary No. 160	Confluence with Rock Creek.	207
	Bexhill Dr., west.	207
	Saul Rd.	216
	End of detailed study (county boundary).	234
Tributary No. 163	Confluence with Sligo Creek.	281
	Inwood Ave.	294
	Dennis Ave.	311
	Evans Parkway.	317
	Dayton St.	325
	Plyers Mill Rd.	329
Tributary No. 164	Confluence with sligo Creek.	266
	Footbridge.	268

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 166..	Confluence with Northwest Branch.	425
	Upstream limit of detailed study (2,180 ft upstream of mouth).	471
Tributary No. 167..	Confluence with Northwest Branch.	407
	Upstream limit of detailed study (1,250 ft upstream of mouth).	427
Tributary No. 168..	Confluence with Whetstone Branch.	373
	Confluence of Tributary No. 170.	395
	Confluence of Tributary No. 169.	418
Tributary No. 169..	Confluence with Tributary No. 168.	418
	Upstream limit of detailed study (1,800 ft upstream of mouth).	458
Tributary No. 170..	Confluence with Tributary No. 168.	395
	Unnamed Rd	425
	Cliftonbrook Lane (extended).	446
Tributary No. 171..	Confluence with Northwest Branch.	362
	Old Orchard Rd	387
	Upstream limit of detailed study (6,530 ft upstream of mouth).	456
Tributary No. 172..	Confluence with Northwest Branch.	360
	Patton Hollow Rd	361
	Old Orchard Rd (extended).	380
	Unnamed road	417
Tributary No. 173..	Confluence with Northwest Branch.	327
	Unnamed road (No. 1).	327
	Unnamed road (No. 2).	337
	Confluence of Tributary No. 175.	342
	Farm Rd	343
	Maryland Route 182	356
	Confluence of Tributary No. 174.	379
	Farm Rd	408
Tributary No. 174..	Confluence with Tributary No. 173.	379
	Unnamed Rd	434
Tributary No. 175..	Confluence with Tributary No. 173.	342
	Norwood Rd	346
	Confluence of Tributary No. 177.	357
	Norbeck Rd	366
	Confluence of Tributary No. 176.	377
	Batchellors Forest Rd	407
Tributary No. 176..	Confluence with Tributary No. 175.	377
	Batchellors Forest Rd	409
	Upstrea n limit of detailed study (7,000 ft upstream of mouth).	430
Tributary No. 177..	Confluence with Tributary No. 175.	357
	Narrows Lane	361
	Norbeck Rd	377
	Upstream limit of detailed study (4,765 ft upstream of mouth).	462
Tributary No. 178..	Confluence with Northwest Branch.	294
	Bonifant Rd	332
Tributary No. 179..	Confluence with Northwest Branch.	284
	Locksley Lane	311
	Beaumont Rd	318
Tributary No. 180..	Confluence with Northwest Branch.	281
	Middlevale Lane (extended).	300
	Layhill Rd	314
	Fargrove Dr	326
	Unnamed Rd	335
	North Gate Ter. (extended).	338
	Bel Pre Rd	355
	Private Rd. (closest to Bel Pre Rd., approximately 1,200 ft upstream of Bel Pre).	364

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 181..	Confluence with Northwest Branch.	275
	Kemp Mill Rd	275
	Dam	302
	Footpath	322
Tributary No. 182..	Confluence with Old Farm Creek.	262
	Tuckerman Lane	271
	Upstrea n limit of detailed study (3,500 ft upstream of mouth).	308
Tributary No. 184..	Confluence with Paint Branch.	348
	Seibel Dr. (extended)	381
Tributary No. 185..	Confluence with Paint Branch.	309
	Upstream limit of detailed study (7,070 ft upstream of mouth).	407
Tributary No. 186..	Confluence with Paint Branch.	250
	Laurie Dr	283
	Cannon Rd	329
Tributary No. 187..	Confluence with Paint Branch.	206
	Upstream limit of detailed study (2,800 ft upstream of mouth).	312
Tributary No. 188..	Confluence with Paint Branch.	168
	Upstream limit of detailed study (3,080 ft upstream of mouth).	285
Tributary No. 189..	Confluence with Paint Branch.	161
	Sweetbriar Parkway	228
Tributary No. 190..	County boundary	171
	Monroe Loop Rd	210
	Dahlgreen Rd	214
	Tech Rd	239
	Upstream limit of detailed study (7,300 ft upstream of mouth).	268
Tributary No. 192..	County boundary	237
	Aqueduct (No. 1)	254
	Confluence of Tributary No. 193.	256
	Aqueduct (No. 2)	264
	Robey Rd	308
Tributary No. 193..	Confluence with Tributary No. 192.	256
	Aqueduct	267
	Robey Rd	328
	Castle Blvd (downstream).	347
	Castle Blvd (upstream).	355
Tributary No. 209..	Confluence with Reddy Branch.	382
	Brookeville Rd	382
	Olney Mill Rd	401
Tributary No. 212..	Confluence with James Creek.	361
	Upstream limit of detailed study (9,900 ft upstream of mouth).	509
Tributary No. 213..	Confluence with Tributary No. 212.	379
	Owens Rd	412
Tributary No. 214..	Confluence of Tributary No. 216.	417
	Confluence of Tributary No. 215.	423
	Brooke Grove Rd	432
	Upstream limit of detailed study (70 ft downstream of Olney-Laytonville Rd.).	502
Tributary No. 215..	Confluence with Tributary No. 214.	423
	Upstream limit of detailed study (2,300 ft upstream of mouth).	449
Tributary No. 216..	Confluence with Tributary No. 214.	417
	Upstream limit of detailed study (50 ft downstream of Tipton Pl. extended).	464

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–32121 Filed 11–9–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3587]

CITY OF CHICOPEE, HAMPDEN COUNTY, MASS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Chicopee, Hampden County, Mass. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Engineer's Office, Chicopee City Hall, Chicopee, Mass. 01013.

Send comments to: The Honorable Howard W. Redfern, Jr., Mayor, City of Chicopee, City Hall, Chicopee, Mass. 01013.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Chicopee, 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. 401–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursiant to policies established by other Federal, State or regional entities. These proposed evelations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (10-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Southern corporate limit, 4,600 ft downstream of Route I-91 bridge.	63
	600 ft upstream of Boston & Maine RR bridge.	69
	Northern corporate limit, 7,400 ft upstream of Boston & Maine RR bridge.	73
Chicopee River.....	Confluence with Connecticut River.	64
	850 ft upstream of Route 116 bridge.	65
	2,000 ft upstream of Route 116 bridge, just downstream of dam.	72
	2,100 ft upstream of Route 116 bridge, just upstream of dam.	86
	100 ft upstream of Deady Memorial Bridge (Montgomery St).	101
	At dam, 200 ft upstream of Montgomery St.	115
	At Robinson Bridge (Route 291).	124
	Eastern corporate limits.	141

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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32122 Filed 11-9-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3588]

TOWN OF SUNFLOWER, SUNFLOWER COUNTY, MISS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sunflower, Miss. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Sunflower, Miss.

Send comments to: Mayor Joel Parker, Town of Sunflower, P.O. Box 248, Sunflower, Miss. 38778.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sunflower, Miss., 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)), 41 U.S.C. 4001—4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entites. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sunflower River.	Tolly St.....	121

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32123 Filed 11-9-77;8:45 am]

[4210–01]

[Docket No. FI–3589]

[24 CFR Part 1917]

BOROUGH OF COLLINGSWOOD, CAMDEN COUNTY, N.J.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Collingswood, N.J. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 678 Haddon Avenue, Collingswood, N.J.

Send comments to: Mayor Michael G. Brennan, Borough Hall, 678 Haddon Avenue, Collingswood, N.J. 08108.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Collingswood, N.J., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more strin-

gent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Upstream corporate limit.	13
	Downstream corporate limit.	13
North Branch of Newton Creek.	Con Rail	10
	Sloan Ave	14
Newton Lake	Con Rail	10
	White Horse Pike	10
	Upstream Bettlewood Ave.	11
	Lees Lane	11

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32124 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3590]

VILLAGE OF BOLIVAR, ALLEGANY COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Bolivar, Allegany County, N.Y. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bolivar Village Hall, 176 North Main Street, Bolivar, N.Y.

Send comments to: Honorable Robert Dunning, Mayor of Bolivar, 176 North Main Street, Bolivar, N.Y. 14715.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Bolivar, Alleghany County, N.Y., 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), U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Genesee Creek.	Downstream corporate limits.	1,585
	Pleasant St	1,591
	Salt Rising	1,596
	Deans Flats Rd	1,615
Root Creek	Downstream study limits.	1,620
	Upstream corporate limits.	1,637

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32125 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3591]

VILLAGE OF WAPPINGERS FALLS, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Wappingers Falls, Dutchess County, N.Y. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Seven Spring Street, Wappingers Falls, N.Y.

Send comments to: Honorable J. Donald Synnett, Mayor of Wappingers Falls, Seven Spring Street, Wappingers Falls, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Wappingers Falls, Dutchess County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will

also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wappinger Creek	Corporate limits (downstream).	12
	Bleachery Bridge	18
	East Main St	72
	Corporate limits (upstream).	95
Branch 1 Wappinger Creek.	Entire reach within corporate limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32126 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3592]

TOWN OF NORTH DANSVILLE, LIVINGSTON COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of North Dansville, Livingston County, N.Y. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the North Dansville Town Hall, 14 Clara Barton Street, Dansville, N.Y.

Send comments to: Mr. Robert F. Hart, Supervisor of North Dansville, North Dansville Town Hall, 14 Clara Barton Street, Dansville, N.Y. 14437.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of North Dansville, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Canaseraga Creek	Zerpass Rd. (extended).	615
	Hartman Rd	632
	Ossian St	651
	Poags Hole Rd	695
	South Corporate limits.	730
Mill Creek	Genesee Expressway	677
	Village of Dansville upstream corporate limits.	780
	Confluence with Little Mill Creek.	797
Little Mill Creek	County Rd. 27	829
	Main St	854

(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. 4001–1128); 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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32127 Filed 11-9-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3593]

VILLAGE OF DANSVILLE, LIVINGSTON COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Dansville, Livingston County, N.Y. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (10-year) flood elevations are available for review at Room No. 6, North Dansville Town Hall, 14 Clara Barton Street, Dansville, N.Y.

Send comments to: Honorable Robert Conway, Mayor of Dansville, North Dansville Town Hall, 14 Clara Barton Street, Dansville, N.Y. 14437.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Dansville, Livingston County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain managemant measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies estab-

lished by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rate for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposad base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mill Creek	Genessee Expressway	677
	Clara Barton Ave	691
	Knox St	716
	Gibson St	765
	South corporate limits.	778
Bradner Creek	North Clinton St	665
	Morey Ave	686
	Van Campen St	692
	William St	697
	Seward St	713
	Leonard St	732
	Park St	737
Brewery Creek	Morey Ave	684
	William St	695
	Seward St	722
	Liberty St	745

(National Flood Insurance Act of 1969 (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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32128 Filed 11-9-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3594]

TOWN OF COLONIE, ALBANY COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Colonie, Albany County, N.Y. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Planning Office, Room 205, Colonie Memorial Town Hall, Newtonville, N.Y. 12128.

Send comments to: Mr. William K. Sanford, Town Supervisor of Colonie, Colonie Memorial Town Hall, Newtonville, N.Y. 12128.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Colonie, Albany County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricted requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates fo new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delphus Kill	Bike Path	197
	Pollock Rd	241
	Downstream tributary.	249
	Upstream tributary	254
	Interstate 87	261
	Northbound I-87 entrance ramp (downstream).	270
	Northbound I-87 entrance ramp (upstream).	274
	Northbound I-87 exit ramp.	280
	U.S. Highway 9	290
Kromma Kill	Corporate limit	32
	Tributary	34
	Delaware & Hudson RR.	43
	Lincoln Ave	43
	Spring St	51
Lisha Kill	Corporate limit	270
	Tributary 1	272
	Consaul Rd	278
	Tributary 2	282
	Colonie Gulf Course	287
	State Highway 5	296
	Tributary 3	298
	Albany St. (downstream).	298
	Albany St. (upstream).	301
	Dam at Lukens Stables.	313
	Lisha Kill Tributary	316
	Private Rd	319
	Penn Central RR	324
	Tributary 4	327
	Cordell Rd	331
Lisha Kill Tributary.	Mouth of Lisha Kill Tributary.	316
	Tributary	338
	Overland St	339
	Nutwood St	340
	Albany St	342
	Corporate limit	344
	State Highway 5	347
Mohawk River	Downstream corporate limit.	149
	Dam	165
	Crescent Dam	193
	U.S. Highway 9	194
	Interstate 87	195
	Delphus Kill	197
	Shakers Creek	200
	Upstream corporate limit.	200
Sand Creek	Penn Central RR	194
	Exchange St	194
	Sand Creek Rd	194
	Everett Rd	200
	Russell Rd	210
	Private Rd	213
	Downstream foot path.	228
	Wilkins Ave	242
	Upstream foot path	242
	Dirt Rd	257
	Osborne Rd	257
Shakers Creek	Mouth of Shakers Creek.	200
	River Rd	200
	Mill Rd	236
	Farm Rd	249
	Tributary 1	249
	State Highway 7	252
	Old Niskayuna Rd	252
	Pinegrove Rd	255
	Sicker Rd	260
	Tributary 2	265
	Airport runway 10 (upstream)	267
	Airport Terminal Rd	268
	Airport Rd	268
	Ann Lee Home Rd	273
	State Highway 155	276
	Tributary 3	276

(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 authortiy to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-32129 Filed 11-9-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3595]

VILLAGE OF MORROW, WARREN COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Morrow, Warren County, Ohio. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, 150 Pike Street, Morrow, Ohio 45152.

Send comments to: Honorable Richard Foster, Mayor of Morrow, 355 Hopkins Street, Morrow, Ohio 45152.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Morrow, Warren County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Miami River.	Downstream corporate limit (extended).	648
	Confluence of Todd Fork.	652
	Mill Grove Rd. Bridge.	653
	Upstream corporate limit (extended).	654
Todd Fork	Confluence with the Little Miami River.	652
	ConRail bridge No. 1.	652
	U.S. Route 22 bridge.	652
	ConRail bridge No. 2.	652
	Confluence of First Creek.	653
	Confluence of Whitakers Run.	659
	Morrow-Blackhawk Rd. Bridge.	669
	Easternmost corporate limit (extended).	679

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–32130 Filed 11–9–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3596]

CITY OF WASHINGTON, FAYETTE COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Washington, Fayette County, Ohio. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Administrative Building, 208 North Fayette Street, Washington Courthouse, Ohio 43160.

Send comments to: Mr. George Shapter, City Manager of Washington, 208 North Fayette Street, Washington, Ohio 43160.

FOR FURTHER INFROMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Washington, Fayette County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Paint Creek	Elm St.	955
	Chessie RR.	957
	North St.	958
	Fayette St.	960
	Main St.	960
	Detroit, Toledo & Ironton RR.	962
	ConRail RR RR.	964
	Temple Ave.	965
	Dayton Ave.	967
	North Hinde St.	968
	Oakland Ave.	968
East Fork of Paint Creek.	ConRail RR	956
	Washington Ave.	957
	Private drive	958
	Tributary No. 1 at pump station.	958
	Tributary No. 2 approximately 500 ft downstream of corporate limits.	960

(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 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–32131 Filed 11–9–77;8:45 am]

federal register

THURSDAY, NOVEMBER 10, 1977

PART III

SECURITIES AND EXCHANGE COMMISSION

■

FOREIGN PRIVATE ISSUERS; SHORT FORM FOR REGISTRATION OF SECURITIES; DISCLOSURE OF MANAGEMENT REMUNERATION BY CERTAIN FOREIGN PRIVATE ISSUERS

Proposed Rulemaking

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5880; File No. S7-726]

[17 CFR Part 231]

DISCLOSURE OF MANAGEMENT REMUNERATION BY CERTAIN FOREIGN PRIVATE ISSUERS

Interpretive Guideline

AGENCY: Securities and Exchange Commission.

ACTION: Proposed registration disclosure guideline.

SUMMARY: The Commission has authorized the publication for comment of a proposed guide which would require more extensive disclosure by certain foreign private issuers of management remuneration in registration statements filed with the Commission. Although domestic issuers are generally required to disclose the total remuneration and other benefits paid to or accrued for certain of the highest paid officers and directors, the staff has not objected to the disclosure of such information on an aggregate group basis by certain foreign issuers. The proposed guide would continue this accommodation, but to a more limited extent, and would make such disclosures more comparable to that required by domestic issuers.

DATE: Comments must be received on or before February 28, 1978.

ADDRESSES: All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-726 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Carl T. Bodolus, Chief, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, telephone 202-755-1505.

SUPPLEMENTARY INFORMATION: The Commission today authorized the publication for comments of proposed Guide 63, "Disclosures Relating to Management Remuneration By Certain Foreign Private Issuers," of the Guides For the Preparation and Filing of Registration Statements Under The Securities Act of 1933 (15 U.S.C., 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) (the "Securities Act"). In a separate release under the Securities Exchange Act of 1934 (15 U.S.C. 78a.et seq., as amended by Pub. L. No. 74-29 (June 4, 1975)) (the "Exchange Act"), Release No. 34-14128, also published today, the Commission requested public comments on, among other matters, proposed amendments to Forms 20 (17 CFR 249.220) and 20-K (17 CFR 249.320), the registration and annual report forms, respectively, authorized for use by certain foreign private issuers under the Exchange Act. One of these proposed amendments relates to increased management remuneration disclosures. Proposed Guide 63 would require the same management remuneration disclosures to be included in registration statements filed by certain foreign issuers under the Securities Act as contained in the proposed amendments to Forms 20 and 20-K. Specifically, disclosure would be required of the identity of each director and the three highest paid officers whose direct aggregate remuneration exceeded $40,000 per year and the total dollar amount of direct remuneration and related benefits paid or accrued for that named group in the aggregate.

Guide 63, like all existing guidelines for preparing Securities Act registration statements, would not be a Commission rule nor would it bear the Commission's official approval. Rather, it would represent the policies and practices that would be followed by the Division of Corporation Finance in administering the disclosure requirements of the Securities Act.

BACKGROUND

The Securities Act provides that the Commission may require disclosure in registration statements filed pursuant to its provisions regarding the remuneration of directors and officers.[1] Thus disclosure is required by Item 17 of the Form S-1 (17 CFR 239.11) and Item 20 of the Form S-11 (17 CFR 239.18) of the amount of remuneration paid by the registrant and its subsidiaries [2] to each of the registrant's directors whose aggregate direct remuneration exceeded $40,000,[3] to each of its three highest paid officers whose aggregate direct remuneration exceeded that amount and to all officers and directors as a group. Moreover, Item 9 of the Form S-2 (17 CFR 239.12) requires disclosure of the amount of remuneration paid to each director and each of the three highest paid officers of the registrant whose aggregate remuneration exceeded $20,000 and to all officers and directors as a group. Similarly, Items 18, 21 and 10 of Forms S-1, S-11 and S-12, respectively, require disclosure of the material provisions, including considertion paid for and the market value of securities called for, of options held by each officer and director named under the above provisions as well as all officers and directors as a group.

These disclosure items, with the exception of that contained in Form S-2, require separate individual disclosure of various forms of compensation: (1) direct remuneration; (2) annuity, pension and retirement benefits; (3) direct and indirect remuneration payments proposed to be made in the future which have not already been reported and (4) options to purchase securities of the registrant or its subsidiaries. Disaggregated disclosure of these types of remuneration is not required by the Form S-2 because of the limitation of the availability of this form to corporations which are in the initial stages of development.[4]

Historically, certain disclosure accommodations have been made under both the Securities Act and the Exchange Act for certain foreign private issuers.[5] One of these accommodations is in the area of management remuneration where aggregations for the entire officer-director group in lieu of disclosures relating to individuals have been permitted. Such individual management remuneration disclosures are not generally required in foreign countries. Both present Forms 20 and 20-K specifically provide this accommodation. Unlike registration and reporting forms adopted under the Exchange Act, no special forms have been adopted under the Securities Act for foreign private issuers. Notwithstanding the absence of any specific accommodation provision in the registration statement forms under the Securities Act, the staff historically has followed the specified requirements in Forms 20 and 20-K with respect to disclosures of management remuneration in registration statements filed under the Securities Act, and has not objected to group management remuneration information where individual management remuneration information is not required by, or otherwise made in, the applicable foreign jurisdictions.

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[1] Schedule A to the Securities Act (15 U.S.C. 77a.a) lists the type of information which should be included in registration statements unless the Commission shall otherwise provide. Item 14 thereto calls for disclosure of the "remuneration, paid or estimated to be paid, by the issuer or its predecessor, directly or indirectly, during the past year and ensuing year, to (a) the directors or persons performing similar functions, and (b) its officers and other persons, naming them whenever such remuneration exceeded $25,000 during such year."

[2] In Securities Act Release No. 5758 (November 2, 1976), 41 FR 49495 (November 9, 1976), the Commission published for comment proposed amendments which would require disclosure of the remuneration paid by the registrant and its affiliates to these persons. Final action on the amendment proposed therein is expected in the near future.

[3] The Form S-11 requires disclosure as to officers and directors whose aggregate remuneration exceeded $30,000.

[4] The appropriate disclosure relating to options granted to certain officers or directors and to benefits received by officers, directors and various other persons as a result of certain transactions to which the registrant is a party is prescribed by specific independent provisions.

[5] Historically, Canadian and other North American private issuers have been treated, generally, the same as domestic issuers for the purposes of registration and reporting under both Acts. The primary exception is in connection with registration pursuant to Section 12(g) of the Exchange Act and subsequent reporting under Section 13(a) of that Act where Canadian and other North American foreign private issuers generally are treated similarly to other foreign private issuers. This distinction will be continued in the proposed guide.

DISCUSSION

In Securities Exchange Act Release No. 34–14128, the Commission has proposed certain amendments to the Form 20 and 20–K forms authorized for use by certain foreign private issuers. One of these amendments would continue, but to a more limited extent, the present management remuneration accommodations permitted to foreign private issuers authorized to use these forms. Under the proposed amendment, certain foreign private issuers which are not required by applicable foreign laws or regulations and which do not otherwise disclose management remuneration information on an individual basis would be required to disclose, in addition to the aggregate remuneration paid to all officers and directors as a group as at present, the identity of each director and each of the three highest paid officers whose direct remuneration exceeded $40,000 per year and the aggregate amount of remuneration and similar benefits paid to or accrued for that named group. The Commission is of the view that increased disclosures by foreign issuers with respect to management remuneration is necessary to achieve realization of the goal of the federal securities laws to provide investors, through the registration and reporting process, with the information necessary to make informed determinations as to the value of new securities being offered [6] as well as securities already owned.[7] Management remuneration information is necessary to an analysis of the use of corporate funds and assets and to a determination of the value of management to the corporation. Accordingly, the Commission is of the view that whatever final requirements are made applicable to management remuneration disclosures in the registration and annual reporting forms under the Exchange Act should also apply consistently to registration statements filed by non-North American foreign private issuers under the Securities Act.

TEXT OF PROPOSED GUIDELINE

The Commission hereby authorizes the publication for public comment of proposed Guide 63, "Disclosures Relating to Management Remuneration by Certain Foreign Private Issuers," pursuant to Sections 7 and 10 of the Securities Act.

The text of proposed Guide 63 follows.

GUIDES FOR PREPARATION AND FILING OF REGISTRATION STATEMENTS UNDER THE SECURITIES ACT OF 1933

* * * * *

63. DISCLOSURES RELATING TO MANAGEMENT REMUNERATION BY CERTAIN FOREIGN PRIVATE ISSUERS

Various registration forms contain items requiring the disclosure of information with respect to remuneration, pension, retirement, options to purchase securities and similar benefits paid to, accrued for, held by and proposed to be paid in the future to certain designated officers and directors on an individual basis. To the extent that such information on an individual basis is not required to be disclosed publicly by any applicable foreign laws or regulations or by stock exchange requirements and such information is not otherwise disclosed publicly, non-North American private issuers may respond to the remuneration and related benefits items by (1) identifying each of the persons designated in the item without specifying their individual payments, (2) indicating the aggregate payments made or accrued to the group identified in (1) above and (3) indicating the aggregate payments paid or accrued to all directors and officers as a group.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 2, 1977.

[FR Doc.77–32546 Filed 11–9–77;8:45 am]

[8010–01]

[Release No. 33–5879, IC–9988;
File No. S7–725]

[17 CFR Part 239]

SHORT FORM FOR REGISTRATION OF SECURITIES

Notice of Proposed Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to a form.

SUMMARY: The Commission announced today proposed amendments which would revise the short form for the registration of securities in order to expand its usage. The short form is available now solely for the registration of securities issued by certain issuers and offered by the issuer to holders of convertible securities and transferable warrants or offered for the account of persons other than the issuer. The amendments proposed today would expand the usage of this form to permit the registration of (1) securities being offered to the public for cash by certain issuers about which information is widely disseminated among the investing public; and (2) securities being offered by issuers eligible to use the form to existing shareholders through either rights offerings or divided or interest reinvestment plans. Adoption of these amendments would reduce the costs to eligible issuers of primary offerings of securities, in the opinion of the Commission. The proposed eligibility criteria are intended to assure that the expanded usage would not adversely affect the disclosure of information to the investing public.

DATE: Comments should be submitted on or before January 31, 1978.

ADDRESS: Comments should refer to File S7–725 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Linda L. Griggs, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202–755–1750.

SUPPLEMENTARY INFORMATION: The Commission announced in Securities Act Release No. 5792 (December 20, 1976) [41 FR 56331] that consideration was being given to amending Form S–16 [17 CFR 239.27], a form for the registration of certain securities under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)]. Comments were invited on the proposal to amend the form to make it available for certain primary offerings and on the appropriate limitations on and conditions to the proposed expanded usage. Form S–16 is a registration form which is comparatively simpler and shorter than other available registration forms. The form is available for the registration of the following types of offerings by issuers which meet the requirements for the use of Form S–7 [1]

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[6] *See e.g.*, Securities Act Preamble, §§ 7,10 15 U.S.C. § 77a, 77g, 77j. President Roosevelt said in an address to Congress, "There is, however, an obligation upon us to insist that every issue of securities to be sold in interstate commerce shall be accompanied by full publicity and information, and that no essentially important element attending the issue shall be concealed from the buying public." President Roosevelt's March 29, 1933 message to Congress, H.R. Rep. No. 85, 73rd Cong., 1st Sess. 1, 2 (1933).

[7] Exchange Act § 13(a)(1), 15 U.S.C. § 78l (a)(1) states that the "Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security—(1) such information and documents as the Commission shall require to keep reasonably current the information and documents required to be included in or filed with an application or of registration statement. . . ."

The Majority Report of the Commission on Interstate and Foreign Commerce written to accompany H.R. 9323 (the bill proposing the Securities Exchange Act of 1934) emphasized the importance of disclosure to prevent unfair practices on the exchanges. The Committee stated:

"As a complex society so diffuses and differentiates the financial interests of the ordinary citizen that he has to trust others and cannot personally watch the managers of all his interests as one horse trader watches another, it becomes a condition of the very stability of that society that its rules of law and of business practice recognize and protect that ordinary citizen's dependent position." H.R. Rep. No. 1383, 73d Cong., 2d Sess 5 (1934).

The report states further: "No investor, no speculator, can safely buy and sell securities upon the exchange without having an intelligent basis for forming his judgment as to the value of the securities he buys and sells." *Id.* at 11.

[1] Generally, an issuer may use Form S–7 if it (a) has a class of securities registered under section 12 (15 U.S.C. 781) or is required to file reports pursuant to section 15(d) (15 U.S.C. 78m) of the Securities Exchange Act of 1934 ("Exchange Act") [(15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)]; (b) has been subject to the requirements of section 12 or 15(d), and has filed all applicable reports, for 36 calendar months prior to the filing of the registration statement and has timely filed all required reports for the past twelve calendar months; (c) has not defaulted in payments on preferred stock, indebtedness for borrowed money or long-term leases during the past 36 months; and (d) has had consolidated net income of at least $250,000 for three of the last four fiscal years, including the most recent fiscal year.

(17 CFR 239.26): (1) outstanding securities to be offered for the account of persons other than the issuer provided securities of the same class are listed and registered on a national securities exchange or are quoted on the automated quotation system of a national securities association; (2) securities to be offered upon conversion of outstanding convertible securities of the issuer or an affiliate of the issuer provided no remuneration is paid for soliciting the conversion; and (3) securities to be offered upon the exercise of outstanding transferable warrants issued by the issuer provided no remuneration is paid for soliciting the exercise of the warrants.

Inasmuch as a prospectus prepared pursuant to Form S–16 is only required to contain very limited information concerning the identity of the issuer or selling security holders, the description of securities to be offered, and the plan of distribution, the amendments proposed herein would expand the availability of the form only as to transactions or issuers for which detailed disclosure in a registration statement is believed to be unnecessary for the protection of investors because of the wide availability of such information under other provisions of the federal securities acts. The proposal would require disclosure (1) in the prospectus of the use by the issuer of the proceeds from the offering and the terms of the securities if they are of a class which has not been registered under section 12 of the Securities Exchange Act of 1934 ("Exchange Act") and (2) in Part II of the registration statement of certain additional information. Since the periodic reports filed under the Exchange Act are available to the offerees and information about the issuer should be disseminated widely, the amendments do not propose any other new items of disclosure to be included in prospectuses filed on Form S–16.

The Commission believes that these amendments, if adopted, will reduce the costs to and simplify the procedures for issuers making primary offerings of their securities. It is believed that investor protection should be served adequately by the criteria proposed for the eligibility of issuers. Nonetheless, the Commission's paramount responsibility is investor protection and safeguarding the public interest in connection with sales and purchases of securities. Therefore, the proposals are being considered on an experimental basis and, if the amendments are adopted, the broadened usage of the form will be monitored closely to determine the consistence of this usage with the disclosure goals of the Securities Act.

In addition to the proposed amendments relating to the expanded usage of Form S–16, the Commission is proposing amendments which would: (1) Incorporate the long-standing staff practice of allowing the form to be used for resales of securities by underwriters who acquire securities of an issuer in connection with the issuer's call for or redemption of convertible securities; (2) amend the instructions as to required exhibits to include any underwriting or agreements in connection with the subject offering; and (3) require the presentation in the prospectus of information about material recent events which were not disclosed previously in periodic reports filed pursuant to the Exchange Act. Finally, amendments are proposed which would reorganize some of the existing disclosure provisions in order to clarify and consolidate some of the requirements.

This release contains a general discussion of the December concept release and the letters of comment which the Commission received therefrom and a brief description of the amendments proposed herein. Attention is directed to the text of the proposed amendments for a more complete understanding.

I. Securities Act Release No. 5792 and Letters of Comment Received

In Securities Act Release No. 5792, the Commission invited comments on the concept of expanding the availability of the Form S–16 to certain primary offerings. Commentators were asked to consider the appropriate parameters for the additional usage of the short form. The Commission stated that, in its view, only certain types of issuers should be permitted to use the Form S–16 for primary offerings and suggested that reporting history and assets might be appropriate factors for the determination of the eligible issuers.[2] In addition, the Commission suggested that the types and amounts of securities which would be permitted to be registered on the Form S–16 should be limited. One limitation suggested in the release was that the form be available only for the registration of primary offerings of securities of a class which has been registered already and is listed on a national securities exchange or is quoted by a specified number of market makers on the automated quotation system of a national securities association. These parameters for the expanded form were suggested because the Commission believed that they would help assure that information about the issuer and the securities was available publicly and that some type of market in the securities existed. Under these circumstances the offering price of the new securities would likely be reasonable because the price could be established by reference to the market price and market price would be established by reasonably well-informed investors in the open market. Finally, the Commission invited comment on the need for and possible content of additional disclosure items in a Form S–16 in which securities were being registered for a primary offering.

In general, the commentators expressed approval of the Commission's intention to expand the availability of the Form S–16, noting that there are situations in which extensive disclosure is not necessary for the protection of the investing public. Some persons noted, however, that the short form is not used frequently for underwritten offerings now because of the liability of the underwriters for the documents which are incorporated by reference.

Various comments were received on the specific issues mentioned in the release. Many of the commentators argued that the rules for the use of the Form S–7 should be the only issuer eligibility criteria for the expanded use of the Form S–16. Those commentators which concurred with the Commission's view that only certain issuers be permitted to use the form for primary offerings observed that appropriate factors regarding eligibility might be the financial performance of the company, the quality of previously filed reports, market interest in the company's securities or the extent of dissemination of the company's reports.

Most of the commentators concurred that the expanded Form S–16 should be available only for the registration of securities of a class which has been registered and listed on an exchange or quoted by a specified number of market makers. The most frequently suggested modification to this condition was that the form be available for the registration of debt securities provided the issuer has a class of debt securities outstanding already or the debt securities being offered are senior to or on a parity with a class of securities which has been registered and listed on an exchange or quoted by the market makers.

In addition, some commentators suggested that the short form be available for the registration of securities offered pursuant to dividend reinvestment plans and employee stock purchase plans. In their view, the offerees under these plans would not need the detailed disclosures required by the other registration forms.

Another suggestion made was that the Form S–16 be available only for those primary offerings which are underwritten and for which such underwriters have given a firm commitment to take all the securities being offered. In their view, this would obviate the need for a limitation on the size of the offering since the underwriter would give consideration to the ability of the market to absorb the securities. The commentator argued that this would be a practical and flexible approach to the issue of appropriate size of the offering. Most of the other commentators similarly argued against a restriction on the amount of securities which could be registered on

[2] Two types of criteria were pointed out in the release as possible tests for the eligibility of issuers: (1) The property or assets criteria for identifying corporations required to report certain replacement cost data in Rule 3–17 (17 CFR 210.3–17) under Regulation S–X (17 CFR Part 210); and (2) the criteria in Rule 3–16((t) (17 CFR 210.3–16(t)) under Regulation S–X for the identification of corporations required to disclose selected quarterly financial data in the notes to their annual financial statements. Of the two, Rule 3–16(t) was more favorably received by commentators because of the criteria related to the trading market in the corporation's securities and because accountants will have looked at the corporation's quarterly financial statements.

Form S–16 because any limit would be very arbitrary.

Most of the commentators also concurred with the Commission's suggestion that the form should be amended to require disclosure of information about the use of proceeds and the market price of the securities or the manner in which the offering price will be determined and certain financial information when primary securities offerings were being registered.

II. Proposed Amendments

The Commission has considered the comments that were received on the proposed expansion of the availability of the Form S–16 for the registration of certain primary offerings. In this release, amendments are proposed which would make the Form S–16 available for the registration of securities offered in three types of transaction: (1) Securities used in primary offerings of certain corporations about which information is widely disseminated; (2) securities offered to existing security holders pursuant to dividend and interest reinvestment plans; and (3) securities offered to existing security holders pursuant to rights offerings by issuers including certain foreign private issuers. The only eligibility criteria common to all three proposed transactions are the rules for the use of the Form S–7. The proposals would also require additional items of disclosure and make certain technical amendments to the form for the purpose of clarification.

A. Proposal to Expand Form S–16 to Securities Offered in Certain Transactions

Primary offerings by certain issuers. At the present time, Form S–16 is not available for offerings of securities by issuers, except upon certain conversions of outstanding convertible securities or certain exercises of outstanding transferable warrants. The amendments proposed herein would permit the form to be used by issuers for primary offerings to the public under certain circumstances. In addition to the requirement that the issuer satisfy the rules for the use of the Form S–7, the amendments would require (1) the issuer to have one or more classes of voting securities held by non-affiliates ("float") and having an aggregate market value of $50 million or more, (2) the offering to be underwritten under a firm commitment underwriting agreement, and (3) any debt securities being offered to have been issued pursuant to a trust indenture qualified under the Trust Indenture Act of 1939 (15 U.S.C. 7aaa et seq., as amended by Pub. L. No. 76–253 (December 22, 1970)).

The conditions relating to the market value of the outstanding voting securities of the issuer is intended to assure that the issuer is one about which the detailed information required by other registration forms is not necessary due to the extensive dissemination of complete and current information about such issuer.[8] The Commission invites comment on whether other conditions should be required in addition or in the alternative to the proposed test of the market value of the float. Other conditions which the Commission is considering in this regard relate to the number of security holders and the trading activity. One commentator suggested that only issuers having 25,000 equity security holders should be permitted to use the form for primary offerings. The Commission believes that a reasonable alternative to this condition would be the existence of a comparable number of equity and debt security holders who receive copies of the issuer's periodic reports. Another condition which might be relevant to indicate market interest in the securities of the issuer would be a requirement that the average weekly volume of trading in the issuer's securities exceed a certain amount during the 6 months to a year preceding the filing of the registration statement. The Commission invites comments on whether these alternate tests are appropriate, and if so, what the numerical standards should be.

The proposed requirement that the offering be underwritten and that the underwriters have agreed to take and to pay for all of the securities being offered is intended to assure some control over the offering price and amount of the securities being offered. In addition, in light of their obligations under the federal securities laws, the participation of underwriters would provide further protection for investors.

In view of the firm underwriting requirement, the Commission does not believe that the type or amount of securities being offered must be restricted. It is not necessary that the securities be of a class which has been registered previously and listed on an exchange or quoted by a specified number of market makers because of the investor protections inherent in the underwritten type of distribution and the other conditions to the use of the form.

Finally, to further assure investor protection, the proposed amendments would require that any debt securities being offered be issued pursant to a trust indenture subject to and qualified under the Trust Indenture Act of 1939. As a result of this requirement coupled with the requirement of a firm commitment underwriting, the Commission believes it is unnecessary to limit debt offerings to issuers with debt securities outstanding or to those debt securities senior to or on a parity with a class of securities which has been registered and is listed on an exchange or is quoted in the automated quotation system of a national securities association.

Primary offerings to existing security holders pursuant to rights offerings. In the nature of an experiment, the Commission proposes to permit Form S–16 to be used by issuers also for rights offerings under certain circumstances. Under the proposal, the form would be available for securities to be offered upon the exercise of outstanding rights granted on a pro rata basis to existing security holders by the issuer of the security underlying the right.

Except as discussed below, issuers using Form S–16 for rights offerings would continue to be required to meet the conditions for the use of Form S–7. Three of these conditions are that issuers be in corporated in the United States and have their principal place of business in the United States and that foreign issuers file the same reports with the Commission under section 13(a) (15 U.S.C. 78m) or 15(d) of the Exchange Act as domestic issuers. In order to enable foreign private issuers to use Form S–16 for rights offerings, the proposed amendments exempt such issuers from these conditions and require their compliance with either of two new tests. The first is that the issuer shall have furnished or will furnish with the prospectus, to all its security holders who are residents of the United States, including those holding under American Depository Receipts or similar arrangements, a copy of the issuer's latest annual report to security holders, if in the English language. As a part of this condition, the issuer must also undertake, either in the annual report to security holders or in the prospectus, that upon the written request of any such United States holder, the holder will be sent a copy of the issuer's latest annual report filed with the Commission under the Exchange Act on proposed new Form 20–F. New Form 20–F was proposed for comment in Securities Act Release No. 33–5880 (November 2, 1977) (42 FR 58676). It is understood that this provision would impose an obligation on the issuer to take appropriate steps to assure that the disclosure documents would be transmitted to the beneficial owners when the securities are held by nominees or depositories.

As an alternative to the foregoing condition, the issuer might simply furnish with the prospectus a copy of its latest annual report filed with the Commission on proposed Form 20–F.

As a result of this proposal and the previously discussed proposal to permit the registration of primary offerings by certain issuers, issuers will be permitted to register securities to be offered in a rights offering on Form S–16 and sell any securities not taken by the existing security holders pursuant to a prospectus filed as a post-effective amendment to the initial registration statement on Form S–16 provided the offering of the

[8] This condition is proposed because the Financial Analysts Federation ("FAF") reported to the Commission's Advisory Committee on Corporate Disclosure ("Advisory Committee") that New York City-based brokerage firms, and especially institutions, generally follow companies having at least $50 million in market capitalization. Report of the Financial Analysts Federation to the Advisory Committee dated November 13, 1976. The Advisory Committee asked the FAF the following question: "In the universe of publicly held companies, is there an identifiable segment comprised of companies which are not the focus of significant fundamental security analysis by financial analysts?" In order to respond, the FAF conducted a survey of 758 research directors to gather data.

remaining securities is pursuant to a firm underwriting and the issuer satisfies the eligibility conditions for primary offerings by certain issuers. The incorporation, principal business and reporting requirements for the use of the Form S–7 would not be waived, however, for foreign issuers with respect to the underwritten offering on Form S–16.

Primary offerings to existing security holders pursuant to dividend or interest reinvestment Plans. As noted above, a few commentators argued that the Form S–16 should be available for the registration of securities offered to existing security holders pursuant to reinvestment plans. The Commission believes that the detailed disclosure required by the other forms for the registration of securities is not necessary for securities issued pursuant to such plans because the existing security holders are provided with information about the issuer on a periodic basis and such persons are more apt to follow the performance of the company than persons who are not security holders. Therefore, the amendments proposed herein would permit issuers which satisfy the rules for the use of the Form S–7 and certain closed end management investment companies to register on Form S–16 securities offered under plans which enable security holders to invest dividends or interest paid them on the securities issued by the issuer as well as additional cash amounts voluntarily contributed by such persons, provided the stock to be registered is purchased for the account of the plan participants at prices not in excess of current market prices at the time of the purchase.. As proposed, issuers could use Form S–16 for such plans without regard to the other conditions specified above concerning primary offerings, and the stock to be purchased under the plan might be acquired either directly from the issuer or through purchases at the market.

The Commission has not proposed to make the form available for the registration of securities offered pursuant to employee stock purchase plans because it believes that the provisions of such plans and financial information should be disclosed in the prospectuses furnished to the employee participants who may or may not already own securities of the issuer. In addition, another short form, Form S–8 (17 CFR 239.16b) is specifically designed for such plans and the prospectus under Form S–8 already permits extensive incorporation by reference to the annual report to shareholders.

B. ADDITIONAL DISCLOSURE REQUIREMENTS

As indicated earlier, the Commission believes that the Form S–16 should be a short form and therefore the proposed amendments to the disclosure requirements of the form are minimal. Two new items of information which the Commission thinks would be important items for disclosure if the use of the form is broadened as proposed are the use of the proceeds of the offering by the issuer and the terms of the securities being offered, unless securities of the same class are registered pursuant to Section 12 of the Exchange Act. These items are included in the text of the proposed amendments as proposed Items 5 and 6 to the form.

The proposed amendments would not require issuers to include information about the market price of the securities being offered and additional financial information. The Commission believes that this information is not necessary because the criteria for the use of the form for the registration of the primary offerings will assure investor protection with respect to the pricing of the securities and the disclosure of material information.

In order to further safeguard the interests of investors, the Commission is proposing to amend existing Item 9 of Form S–16 relating to disclosure of additional information to require issuers to describe any material changes in the registrant's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in an annual report or prospectus incorporated by reference pursuant to the form and which have not been described in a report on Form 8–K (17 CFR 249.308) or 10–Q (17 CFR 249.308a) or in a proxy or information statement. Item 9 now requires issuers to describe any material adverse changes in their affairs which have occurred since the end of the latest fiscal year for which certified financial statements are incorporated by reference. The Commission believes that deletion of the word "adverse" in proposed Item 8 will assure the disclosure of all material changes that have not been disclosed in a report which security holders and the public have available for their inspection.

Another amendment is proposed which would assure the availability of Exchange Act reports to offerees of primary offerings made by certain issuers. Paragraph (d) of proposed Item 8 would require issuers which are registering securities pursuant to the restrictions in proposed General Instruction A(1)(a) to undertake in the prospectus to provide without charge to each person to whom the securities are being offered, on the written request of any such person, copies of the documents filed by the issuer which are incorporated by reference to the registration statement, including the financial statements and the schedules thereto. Issuers would be permitted by paragraph (d) of proposed Item 8 captioned "Additional Information" to charge requestors reasonable fees for copies of any exhibits, provided the copies of the documents furnished without charge are accompanied by a list briefly describing the exhibits not contained therein and indicating the fee which the requestor would be charged for the exhibit.

A few other items of disclosure would be required in registration statements filed pursuant to the conditions set forth in proposed General Instruction A(1)(a). Part II of such registration statements would be required to include the following additional information: (1) An itemized statement of all expenses incurred by the issuer in connection with the issuance and distribution of the securities; (2) a description of the relationship with the issuer of experts named in the registration statement; (3) a discussion of the treatment of the proceeds from the sale if the consideration is to be credited to an account other than the appropriate capital stock account; and (4) a list of the statements of eligibility and qualification of persons designated to act as trustee under an indenture to be qualified under the Trust Indenture Act of 1939.

A few minor technical amendments to the form are proposed also. Existing Items 3, 4 and 5 would be reorganized so that the disclosure requirements relating to the manner in which the securities are to be sold are consolidated in one item, Item 4. Proposed Item 4 would also require issuers of securities being offered pursuant to a dividend reinvestment plan to state who pays fees and commissions incurred in connection with the purchase of any securities by the plan on the market. In addition, existing Items 6 and 7 have been included in a proposed new item (Item 6) which requires specified information about the securities being offered.

In order to clarify the existing requirement in Rule 439 (17 CFR 230.439) of the Rules for the Filing and Preparation of Registration Statements, Regulation C (17 CFR 230.400–230.494), amendments are proposed to the instruction to the item captioned "Incorporation of Certain Documents by Reference" which would state that the consent of any expert who is named as having prepared or certified any part of the material incorporated by reference or is named as having prepared or certified a report or valuation for use in connection with any material so incorporated shall be filed with the registration statement unless express consent to the incorporation by reference is contained in the material incorporated by reference. The instruction to proposed Item 7 of the form further clarifies that the consent of experts named in future material incorporated by reference is similarly required.

C. OTHER PROPOSED AMENDMENTS

The Commission's staff has been advised that there is some confusion as to the availability of Form S–16 for standby underwriters who purchase a convertible security when the issuer has called the securities for redemption. To codify the staff's present position that the standby underwriter, upon conversion, would qualify as a selling security holder selling for his own account within the meaning of existing General Instruction A(a)(1) and proposed General Instruction A(2), a new provision is proposed to be added to the instruction.

An amendment is proposed to clarify the use of the Form S–16 for the registration of securities offered upon the exercise of transferable warrants. In lieu of stating as a condition that the warrants must be "transferable", the proposed instruction states instead that the Form

S–16 is available for the registration of securities to be offered upon the exercise of outstanding warrants provided the warrants are not subject to transfer restrictions.

Proposed Item 7 (Incorporation of Certain Documents by Reference) of Form S–16 would be amended to include references to reports filed pursuant to section 15(d). Among the amendments to the rules for the use of the Form S–7 which were adopted in Securities Act Release No. 5791 (December 20, 1976) [41 FR 56301] were amendments which permit certain companies that file reports pursuant to that section to satisfy the Form S–7 eligibility rules.

Finally, an amendment is proposed which would clarify the staff's present position that underwriting agreements relative to the registered offering should be filed as an exhibit to the registration statement. The language of the proposed amendment to the instructions as to required exhibits tracks the language presently contained in Form S–7. Additionally, the instructions make clear that standby underwriting agreements or arrangements relating to the call or redemption of convertible securities should be filed as exhibits.

PROPOSED AMENDMENTS

The text of the proposed amendments is set forth below:

Form S–16 [17 CFR 239.27] is proposed to be amended to read as follows:

§ 239.27 Form S–16, for registration under the Securities Act of 1933 of securities of certain issuers offered pursuant to certain types of transactions.

SECURITIES AND EXCHANGE COMMISSION

FORM S–16

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive Offices) (Zip Code)

Issuer's telephone number, including area code ---

(Name and address of agent for service)

Approximate date of commencement of proposed sale to the public---

Calculation of registration fee

Title of each class of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM S–16

FORM S–16, FOR REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF SECURITIES OF CERTAIN ISSUERS OFFERED PURSUANT TO CERTAIN TYPES OF TRANSACTIONS

GENERAL INSTRUCTIONS

A. Rule as to use of form S–16.

Form S–16 may be used for registration under the Securities Act of 1933 of securities offered in the transactions specified below, if the issuer meets the requirements for the use of Form S–7 (17 CFR 236.26) at the time of filing the registration statement:

1. *Transactions involving certain primary offerings.*—(a) *Debt or equity securities.* Debt or equity securities offered for cash by or on behalf of the issuer, in transactions not involving rights offers, provided the following conditions are met:

(1) The issuer has one or more classes of voting stock held by non-affiliates and having an aggregate market value of $50 million or more. The aggregate market value of the issuer's outstanding stock shall be computed by reference to the price at which the stock was sold, or the average of the bid and asked prices of such stock, as of a specified date within 30 days prior to the date of filing.

(2) The offering is pursuant to a firm commitment underwriting, that is, where the underwriters are committed to take and to pay for all of the securities being offered.

(3) If debt securities are to be registered, they shall be issued pursuant to a trust indenture subject to and qualified under the Trust Indenture Act of 1939.

(b) *Conversions.* Securities to be offered upon the conversion of outstanding convertible securities of the issuer of the securities to be offered, or of a affiliate of such issuer, provided no commission or other remuneration is paid for soliciting the conversion of the convertible securities.

(c) *Warrants.* Securities to be offered upon the exercise of outstanding warrants issued by the issuer of the securities to be offered, provided no commission or other remuneration is paid for soliciting the exercise of such warrants and provided the warrants are not subject to any transfer restrictions.

(d) *Rights offerings.* Securities to be offered upon the exercise of outstanding rights granted by the issuer of the securities to be offered, provided such rights are granted on a pro rata basis to all existing security holders of the class of securities to which the rights attach. A foreign private issuer (as defined in Rule 3b–4(c) of the Securities Exchange Act of 1934, 17 CFR 240.3b–4) which satisfies all of the provisions of the Rule as to Use of Form S–7, except the provisions in General Instruction A(a)(2) of Form S–7 relating to incorporation and principal business and the filing with the Commission of the same type of reports filed by domestic issuers, may register rights offerings on this form, provided such foreign issuer:

(i) Furnished previously or furnishes with the prospectus to all its security holders resident of the United States, including those holding under American Depositary Receipts or similar arrangements, copies of its latest annual report to security holders, if in the English language, and such annual report to security holders or the prospectus contains the issuer's undertaking to send promptly to any such United States holder, upon written request, a copy of the issuer's latest annual report filed with the Commission under the Securities Exchange Act of 1934 on Form 20–F; or

(ii) Furnishes with the prospectus a copy of its latest annual report filed with the Commission under the Securities Exchange Act of 1934 on Form 20–F.

2. *Transactions involving secondary offerings.*—Outstanding securities to be offered for the account of any person other than the issuer, including securities acquired by standby underwriters in connection with the call or redemption by the issuer of a class of convertible securities, if securities of the same class are listed and registered on a national securities exchange or are quoted on the automated quotation system of a national securities association.

3. *Transactions involving dividend or interest reinvestment plans.*—Securities of the issuer offered solely to its existing stockholders pursuant to a plan established to allow such persons to reinvest dividends or interest paid them on securities issued by the issuer, plus additional cash amounts contributed by the participants of the plan, provided the stock to be registered is purchased for the account of plan participants at prices not in excess of current market prices at the time of the purchase.

4. *Secondary offerings by certain closed end management investment companies.*—Form S–16 may be used by closed end management investment companies for the registration of outstanding securities under the Securities Act of 1933 only for the purposes specified in paragraphs (2) and (3) above and subject to the applicable requirements of Section 18(d) of the Investment Company Act of 1940 provided that such company: (1) is registered as a closed end management investment company under the Investment Company Act of 1940; (2) has been subject to and has complied in all respects, including the timeliness of filings, with the requirements of Sections 20(a) and 30 (a) and (b) of such act for a period of at least three fiscal years prior to the filing of the registration statement on this form; and (3) meets the requirements of paragraphs (c) through (f) of the Rule as to the Use of Form S–7.

B. *Application of general rules and regulations.*

Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation C. That regulation contains general requirements regarding the preparation and filing of the registration statement. Rules 405, 439 and 473 should be especially noted. Notwithstanding Rules 404(c) and 421(c), no table of contents or cross-reference sheet need be included in the prospectus.

C. *Documents comprising registration statement.*

The registration statement shall consist of the facing sheet of the form, a prospectus containing the information called for by Part I, the undertaking and list of exhibits specified in Part II, signatures, consents of experts, exhibits and any other information or documents filed as a part of the registration statement.

Part I. Information required in prospectus.

Item 1. Identity of issuer.—Give the name of the issuer of the securities to be registered, the complete mailing address, including the zip code, and the telephone number, including the area code, of its principal executive offices.

Item 2. Distribution spread.—The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of

the prospectus as to all securities to be registered (estimated, if necessary).

	Price to public	Underwriting discounts and commissions	Proceeds to issuer or other persons
Per unit			
Total			

Instructions. 1. Only commissions paid by the issuer or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other considerations to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fee or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities to be registered are to be offered for the account of security holders, refer on the first page of the prospectus to the information called for by Item 3(b).

Item 3. Securities to be offered and identity of offeror(s).—(a) State the title and aggregate amount of the securities to be offered and the identity of the offeror(s).

(b) If the securities to be registered are to be offered for the account of any person or persons other than the issuer, furnish the following information as to each such person:

(1) The name and address of each such person and the nature of any position, office or other material relationship which he has, or has had wtihin the past three years, with the issuer or any of its predecessors or affiliates;

(2) The title and amount of each class of securities of the issuer beneficially owned by him, the amount of each such class which he has the right to acquire through the exercise of options, warrants or rights and the amount of each class to be offered for his account; and

(3) If the securities are to be offered on behalf of a director or officer of the issuer or a person who owns of record or is known by the issuer to own beneficially ten percent or more of any class of equity securities of the issuer, or on behalf of any associate of any such director, officer or security holder, briefly describe the transaction or transactions in which the securities were acquired, including the date on which they were acquired, the amount acquired, the purchase price per share or other unit or the nature and amount of other consideration, and the market price of the securities on the date of acquisition.

Instruction. Paragraph (3) need not be answered if the information called for has previously been disclosed in a registration statement under the Securities Act of 1933 or in a registration statement, report or proxy or information statement under the Securities Exchange Act of 1934 or the Investment Company Act of 1940.

Item 4. Plan of distribution.—Describe the transaction or transactions in which the registered securities are to be offered.

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the issuer and state the nature of the relationship. State briefly the nature of the obligation of the underwriter(s) to take the securities.

Instruction. All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriters' taking the securities, including "market-outs," need not be described except in the case of an agency or "best efforts" arrangement.

(b) Outline briefly the plan of distribution of any securities to be registered which are to be offered otherwise than through underwriters. If any securities are to be offered pursuant to dividend or interest reinvestment plans the terms of which provide for the purchase of some securities on the market, state whether the issuer or the participant pays fees and commissions incurred in connection with the plan. If the participant will pay such fees and commissions, state the anticipated cost to participants by transaction or other convenient reference.

(c) If the securities are to be offered through the selling efforts of brokers or dealers, describe the plan of distribution and the terms of any agreement, arrangement or understanding entered into with broker(s) or dealer(s) prior to the effective date of the registration statement, including volume limitations on sales, parties to the agreement and the conditions under which the agreement may be terminated.

(1) If known, identify the broker(s) or dealer(s) who will participate in the offering and state the amount to be offered by each.

(2) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities. If any dealers are to act in the capacity of sub-underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be so paid.

(d) State the name of the exchange on which the securities are to be offered, if any; if the securities are to be offered in the over-the-counter market, so state.

Item 5. Use of proceeds to issuer.—State the principal purposes for which the net proceeds to the issuer from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

Instruction. Details of proposed exepnditures are not to be given; for example, there need be furnished only a brief outline of any program of construction or addition of equipment. If any material amount of other funds is to be used in conjunction with the proceeds, state the amount and sources of such other funds. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the issuer and the principle followed in determining such cost.

Item 6. Securities to be registered.—(a) *Capital stock to be registered.* If capital stock is to be registered, state the title of the class and furnish the following information unless securities of the same class are not registered pursuant to Section 12 of the Securities Exchange Act of 1934:

(1) Outline briefly: (A) dividend rights; (B) voting rights; (C) liquidation rights; (D) pre-emptive rights; (E) conversion rights; (F) redemption provisions; (G) sinking fund provisions; and (H) liability to further calls or to assessment by the issuer.

(2) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(3) If preferred stock is to be registered, outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities to be registered. No information need by given, however, as to any class of securities all of which will be redeemed and retired, provided appropriate steps to assure such redemption and retirement will be taken prior to or upon delivery by the issuer of the securities to be registered.

(b) *Debt securities to be registered.* If debt securities are to be registered, state the title of such securities and outline briefly such of the following as are relevant unless securities of the same class are registered pursuant to Section 12 of the Securities Exchange Act of 1934:

Instruction. For purposes solely of this item, debt securities which differ from one another only as to the stated interest rate or the term of maturity shall be regarded as securities of the same class.

(1) Provisions with respect to interest, conversion, maturity, redemption, amortization sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(3) Provisions with respect to the subordination of the rights of holders of the securities registered to other security holders or creditors of the issuer.

(4) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(5) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instructions. 1. In the case of secured debt, there should be stated (i) the approximate amount of unbonded bondable property available for use against the issuance of bonds, as of the most recent practiable date, and (ii) whether the securities being registered are to be issued against such property, against the deposit of cash, or otherwise.

2. Provisions permitting the release of assets upon the deposit of equilavent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(6) The name of the trustee and the nature of any material relationship with the issuer

or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action and what indemnification the trustee may require before proceeding to enforce the lien.

(7) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instructions. 1. The instructions to paragraph (a) shall also apply to this item. Section 305(a)(2) of the Trust Indenture Act of 1939 shall not be deemed to require the inclusion in the registration statement or in the prospectus of any information not required by this form.

2. If a specimen copy of the registered security furnishes the information required by this item in a clear, understandable manner, then such specimen copy may be included in the prospectus in satisfaction of the above requirements.

(c) If the securities described are to be offered pursuant to warrants, rights or convertible securities, state: (1) the amount of securities called for by such warrants or rights, (2) the period during which and the price at which the warrants, rights or convertible securities are exercisable, (3) the amount of convertible securities, warrants or rights outstanding, and (4) any material terms of such securities.

(d) If securities other than capital stock or debt are to be registered, outline briefly the rights evidenced thereby.

Item 7. Incorporation of certain documents by reference.—The issuer shall incorporate the following documents in the prospectus by reference and shall state that all documents subsequently filed by it pursuant to Sections 13, 14 or 15(d) of the Securities Exchange Act of 1934, prior to the termination of the offering of the securities, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filing of such documents:

(a) Its latest annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or the latest prospectus filed pursuant to Rule 424(b) or (c) under the Securities Act of 1933, which contains certified financial statements for the issuer's latest fiscal year for which such statements have been filed.

(b) All other reports filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual report or prospectus referred to in (a) above.

(c) The issuer's definitive proxy statement or information statement, if any, filed pursuant to Section 14 of the Securities Exchange Act of 1934 in connection with the latest annual meeting of its stockholders, and any definitive proxy or information statements so filed in connection with any subseqeunt special meetings of such stockholders.

Instruction. If any accountant, engineer, or any person whose profession gives authority to a statement made by him is named as having prepared or certified any part of the material incorporated by reference or is named as having prepared or certified a report or valuation for use in connection with any of the material so incorporated, the written consent of such person shall be filed with the registration statement unless express consent to the incorporation by reference is contained in the material incorporated by reference. The written consent of persons so named in future material incorporated by reference shall be filed by amendment to the registration statement no later than the date on which such material is filed with the Commission unless express consent to such incorporation by reference is contained in the material incorporated by reference. Attention is directed to Rule 439.

Item 8. Additional information.—(a) Describe any material changes in the issuer's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in an annual report or prospectus incorporated by reference in response to Item 7(a) and which have not been described in a report on Forms 8-K or 10-Q or in a proxy or information statement filed under the Securities Exchange Act of 1934.

(b) If there has been a change in control of the issuer within the past thirty-six calendar months which has not been "previously reported" as defined in Rule 12b-2 under the Securities Exchange Act of 1934, describe the change in control and provide any information called for by Items 16 to 20, inclusive, of Form S-1 which has not been "previously reported."

(c) State that reports, proxy statements and other information filed by the issuer can be inspected and copied at the public reference facilities maintained by the Commission in Washington, D.C. and at certain of its Regional Offices, stating the current address of each such facility, and that copies of such material can be obtained from the Public Reference Section of the Commission, Washington, D.C. 20549 at prescribed rates. In addition, any national securities exchange on which the issuer's securities are listed, and where reports, proxy statements and other information concerning the registrant can be inspected, shall be named.

(d) If the proposed offering is a primary offering by the issuer, as described in General Instruction A(1)(a), include an undertaking, in boldface or otherwise reasonably prominent type, to provide without charge to each person to whom the securities are offered, on the written request of any such person, a copy of any or all of the aforementioned documents in Item 7 which have been incorporated by reference in the prospectus. Indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to the documents requested, provided that the copies furnished without charge to requesting security holders are accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing such exhibit.

PART II. INFORMATION NOT REQUIRED IN PROSPECTUS

Instruction for Items 9 through 12. Items 9 through 12 below need be answered only if the registration statement involves a primary offering of securities, as specified in General Instruction A(1)(a).

Item 9. Other expenses of issuance and distribution.—Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities to be registered, other than underwriting discounts and commissions. If any of the securities to be registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

Instruction. Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, costs of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. Include as a separate item any premium paid by the issuer or any selling security holder on any policy which insures or indemnifies directors or officers against any liabilities they may incur in connection with the registration, offering or sale of the securities to be registered. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

Item 10. Relationship with issuer of experts named in registration statements.—If any expert named in the registration statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation of certification or at any time thereafter, has a substantial interest in the issuer or any of its parents or subsidiaries or was connected with the issuer or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee, furnish a brief statement of the nature of such contingent basis, interest or connection.

Instruction. In the case of an accountant, any direct financial interest or any material indirect financial interest held during the period covered by the financial statements prepared or certified shall be deemed a "substantial interest" for the purpose of this item.

Item 11. Treatment of proceeds from stock to be registered.—If capital stock is to be registered hereunder and any portion of the consideration to be received by the issuer for such stock is to be credited to an account other than the appropriate capital stock account, state to what other account such portion is to be credited and the estimated amount per share. If the consideration from the sale of par value shares is less than par value, state the amount per share involved and its treatment in the accounts.

Item 12. Other documents filed as a part of the registration statement.—Furnish a list of the statements of eligibility and qualification of persons designated to act as trustee under an indenture to be qualified under the Trust Indenture Act of 1939.

Item 13. List of exhibits.—Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. The list of exhibits shall refer to exhibits which are incorporated by reference and such exhibits may bear the designation given in the previous filing.

1. Copies of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, sub-underwriting or selling group agreement or letter pursuant to which the securities to be registered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

2. (a) Specimens or copies of all securities to be registered hereunder and copies of all constituent instruments defining the rights of the holders of such securities.

(b) If any of the securities to be registered are, or are to be, issued under an indenture to be qualified under the Trust Indenture Act of 1933, the copy of such indenture which is filed as an exhibit shall include or be accompanied by (1) a reasonably itemized and informative table of contents, and (2) a cross-reference sheet showing the location in the indenture of the provisions inserted pursuant to Sections 310 through 318(a) inclusive of the Trust Indenture Act of 1939.

3. An opinion of counsel, as to the legality of the securities to be registered, indicating whether they will when sold be legally issued, fully paid and non-assessable, and, if debt securities, whether they will be binding obligations of the registrant.

4. Copies of every material contract not made in the ordinary course of business which is referred to in the prospectus. Only contracts as to which the issuer or a sub-

sidiary of the issuer is a party or has succeeded to a party by assumption or assignment, or in which the issuer or such subsidiary has a beneficial interest need be filed.

UNDERTAKINGS

A. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities to be registered are to be offered in a continuous offering over an extended period of time:

"The issuer undertakes (a) to file any prospectuses required by Section 10(a)(3) as post-effective amedments to the registration statement, (b) that for the purpose of determining any liability under the Act each such post-effective amendment may be deemed to be a new registration statement relating to the securities offered therein and the offering of such securities at that time may be deemed to be the initial bona fide offering thereof, (c) that all post-effective amendments will comply with the applicable forms, rules and regulations of the Commission in effect at the time such post-effective amendments are filed, (d) to remove from registration by means of a post-effective amendment any of the securities being registered which remain unsold at the termination of the offering and (e) to furnish the Division of Corporation Finance a letter informing said Division when all of the securities registered have been sold.

B. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities to be registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public:

"The undersigned issuer hereby undertakes to supplement the prospectus, after the expiration of the subscritpion period, to set forth the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters is to be made in terms differing from those set forth on the cover page of the prospectus, a post-effective amendment will be filed to set forth the terms of such offering."

C. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities to be registered are to be offered at competitive bidding:

"The undersigned issuer hereby undertakes to file an amendment to the registration statement reflecting the results of bidding, the terms of the reoffering and related matters to the extent required by the applicable form, not later than the first use, authorized by the issuer after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the issuer and no reoffering of such securities by the purchasers is proposed to be made."

SIGNATURES

Pursuant to the requirement of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on the _____ day of _____, 19__.

_____
(Issuer)

By _____

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the date indicated.

Instructions. 1. The registration statement shall be signed by the issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions. If the issuer is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j, 77s(a).)

Statutory authority.—The foregoing proposed action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 2, 1977.

[FR Doc.77-32547 Filed 11-9-77;8:45 am]

[8010-01]

[Release No. 34-14123; File No. S7-661]

[17 CFR Parts 240, 241, 249]

FOREIGN PRIVATE ISSUERS

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules, forms and guidelines.

SUMMARY: The Commission proposes to amend the registration statement, periodic report and annual report forms authorized for use by certain foreign private issuers. These proposals would integrate the registration and annual report forms into a single integrated form which would be substantially similar in information content to the corresponding registration and annual report forms authorized for use by domestic and certain North American issuers. The periodic report form would be amended basically to require English translations of materials filed with such reports. In conjunction with the proposal for the new integrated registration-annual report form, the Commission is authorizing the publication of proposed amendments to certain interpretative disclosure guidelines to make clear their application to registration statements and annual reports filed by foreign issues. The rules governing the periodic report form authorized for foreign private issuers would be amended to conform the use thereof to those issuers who would be authorized to use the new integrated registration—annual report form. The Commission is also proposing amendments to the rule which presently exempts certain foreign securities from the proxy, acquisition, tender offer and insider trading provisions of the Securities Exchange Act in order to correct certain prior administrative oversights and to confirm prior staff interpretations of the rule.

DATES: Comments should be submitted on or before February 28, 1978.

ADDRESS: Comments should refer to File S7-661 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Carl T. Bodolus, 202-755-1505 or Charles L. Evans 202-755-1802, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Securities Act Release No. 34-13056, December 10, 1976 (41 FR 36992, December 15, 1976), the Commission solicited the views of the public concerning means of improving the disclosures presently required by Form 20 (17 CFR 249.220) and 20-K (17 CFR 249.320) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). Forms 20 and 20-K are the registration and annual report forms, respectively, authorized for use by certain foreign private issuers under the Exchange Act. The Commission in that release indicated that it was considering the publication for further comment of proposals to make filings on Forms 20 and 20-K substantially similar in content to filings on Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) authorized for use by domestic and certain other North American private issuers. The public comment period expired March 31, 1977. The Commission has carefully analyzed these comments. In light of that analysis and its experience in administering the federal securities laws, the Commission today authorized publication for comment of proposed amendments to Forms 20 and 20-K. In conjunction therewith, the Commission also authorized publication of related proposed amendments to Guides 1, 2 and 3 of the Guides For The Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act (the "Exchange Act Guides") which would make clear their application to registration statements and reports filed on Forms 20 and 20-K.

Additionally, the Commission authorized the publication for comment of proposed amendments to the Form 6-K (17 CFR 249.306) foreign periodic reporting form under the Exchange Act and to related Rules 13a-16 (17 CFR 240.13a-16) and 15d-16 (17 CFR 240.15d-16) which govern the use of that Form. Comments are also being solicited with respect to proposed amendments to exemptive Rule 3a12-3 (17 CFR 240.3a12-3) which presently exempts the securities of certain

foreign issuers from the provision of Sections 14 and 16 of the Exchange Act.

GENERAL STATEMENT

The Commission today proposed amendments to Forms 20 and 20–K and authorized the publication of related proposed amendments to certain of the Exchange Act Guides to make clear their application to foreign issues because in its view such action would be in the interest of the protection of investors. In authorizing the publication of these proposals, the Commission wishes to stress its view that the comments urging the Commission not to take such action must be weighed against the economic interests of the substantial majority of the commentators who submitted comments, which interests may not coincide with those of public investors. The Commission also has determined to solicit public comments on proposals to add a requirement for English translations of documents, exhibits and other papers furnished by foreign issuers on the Form 6–K periodic report.

The proposed amendments to Forms 20 and 20–K, if adopted, together with the proposed amendments to the Exchange Act Guides would result in those foreign private issuers filing registration statements and annual reports with the Commission being made subject to, for the first time, substantially similar Exchange Act registration and annual reporting disclosure requirements as are applicable to domestic issuers. The proposed amendment to Form 6–K to require English translations should help to improve the general utility of these reports to United States investors.

The Commission is of the view that the proposed amendments to the foreign issuer registration and reporting forms are necessary to further the goal of the federal securities laws of providing investors, through the registration reporting process, with information necessary to make informed investment determinations not only as to which securities to purchase but also with respect to those already owned.[1] The Commission further is of the view that the proposed amendments to these forms would facilitate the free flow of capital internationally by making more meaningful the information available to United States investors concerning foreign issuers and relieve, to an extent, any competitive disadvantages domestic and certain North American issuers suffer in relation to other foreign issuers.

In publishing for comment proposed amendments to exemptive Rule 3a12–3 at this time, the Commission has advanced its internal timetable for what is essentially a house cleaning proposal to remedy prior administrative oversights and/or to confirm prior staff interpretations of the rule. The proposed amendments would make clear that the Commission never intended this exemption to extend beyond the proxy solicitation, information statement and insider trading provisions of Sections 14 and 16 of the Exchange Act. Through oversight, Rule 3a12–3 was not amended when the so-called Williams Act amendments to the Exchange Act pertaining to acquisitions of and tender offers for securities registered under Section 12 were adopted in 1968.[2] The Commission is of the view that an exemption from these latter provisions for the securities of foreign issuers registered under Section 12 is contrary to the public interest and the protection of United States investors as well as the interests of the foreign issuers of such securities.

This release contains a general discussion of the purpose and general effect of the proposals to assist in a better understanding of their provisions. A brief description of each proposal is also included. However, attention is directed to the text of the proposed integrated registration statement-annual report form, Form 20–F, which is reprinted in full herein and to the text of the other proposed amendments to Form 6–K, rules and the Exchange Act Guides contained herein. A brief discussion of the public comments received in response to the prior solicitation regarding Forms 20 and 20–K is also included.

I. SUMMARY OF PUBLIC COMMENTS RECEIVED IN RESPONSE TO THE COMMISSION'S SOLICITATION OF VIEWS REGARDING INCREASED DISCLOSURE REQUIREMENTS IN FORMS 20 AND 20–K

A total of fifty-four letters of comment were received in response to the Commission's solicitation of public views concerning the concept of more meaningful disclosure by certain foreign private issuers in Securities Exchange Act Release No. 34–13056. Although the majority of written comments received were opposed to or critical of the tentative proposals, relatively few comment letters reflected the views of interested parties other than foreign issuers, stock exchanges and broker-dealers who would be most directly affected thereby. The Commission notes in this connection that economic self-interest in maintaining the status quo is not necessarily consistent with the interests of investors in full and fair disclosure. In addition, the Commission is of the view that the comments received to date are speculative as to the possible economic effects of the proposed amendments to Forms 20 and 20–K. The Commission anticiaptes, however, that the publication today of the text of the proposed amendments to Forms 20 and 20–K will elicit more meaningful and diverse views from a greater number of public commentators.

The Commission has given consideration to the comments received and, based in part thereon, has included certain provisions in the proposed amendments which it believes to be both necessary and appropriate. While the Commission appreciates the fact that certain other of the disclosures set forth in the proposed integrated form might, at least initially, prove to be somewhat more burdensome than existing disclosure requirements on some foreign issuers, it appears difficult to justify one level of disclosure for domestic securities and another for foreign securities when the standard for both is the protection of United States investors.

The Commission believes that providing more meaningful disclosure to investors in foreign securities not only would promote the protection of investors but may encourage the free flow of capital between nations and tend to reduce any competitive disadvantage with which United States issuers must contend vis-a-vis foreign issuers of securities. While some commentators reached different conclusions regarding capital flow and competition, other commentators supported the Commission's view. The Commission wishes to emphasize the fact that these and any additional issues brought to its attention during the comment period announced herein will be carefully considered prior to any final action being taken on the proposals.

A summary of the more significant areas of public comment on the concept of substantially equivalent disclosure by foreign and domestic issuers follows. All public comments received by the Commission are available for public inspection (File No. S7–661). The discussion under Background and General Purpose, below, supplements the Commission's discussion of these comments.

Forty-nine comment letters were critical of or advised caution concerning the adoption of any amendments to Forms 20 and 20–K which would have the effect of substantially increasing the disclosures required to be made by reporting foreign companies. Five letters

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[1] Securities Exchange Act § 13(a)(1), 15 U.S.C. 781(a)(1) provides in part that the "Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security: (1) Such information and documents * * * as the Commission shall require to keep reasonably current the information and documents required to be included in or filed with an application or registration statement * * *"

The Majority Report of the Commission on Interstate ond Foreign Commerce written to accompany H.R. 9323 (the bill proposing the Securities Exchange Act of 1934) emphasized the importance of disclosure to prevent unfair practices on the exchanges. The Committee stated:

As a complex society so diffuses and differentiates the financial interests of the ordinary citizen that he has to trust others and cannot personally watch the managers of all his interests as one horse trader watches another, it becomes a condition of the very stability of that society that its rules of law and of business practice recognize and protect that ordinary citizen's dependent position. H.R. Rep. No. 1383, 73d Cong., 2d Sess 5 (1934).

The report states further: "No investor, no speculator, can safely buy and sell securities upon the exchange without having an intelligent basis for forming his judgment as to the value of the securities he buys or sells." Id. at 11.

[2] Pub. L. 90–439, 82 Stat. 454 (15 U.S.C. 78n (d), (f)).

of comment were unqualifiedly in support of the tentative proposals. The commenators were divided in their views of the effect of the tentative proposals on the United States capital markets and international capital movements as well as their impact on investor protection. Seven commentators expressed the belief that increased disclosure by foreign issuers would or, in principle, could improve the United States capital markets with respect to foreign securities. Five commentators thought that such action would or could have a detrimental impact on the domestic markets for foreign securities. Thirty commentators observed that increased disclosure burdens would deter use of the United States capital markets; consequently, international capital movements would be impaired. Another writer commented that increased disclosure would not have any significant effect on the number of foreign companies presently listed or applying for listing on United States stock exchanges. With regard to the question of investor protection, fifteen commentators expressed the position that the increased disclosures under the tentative proposals would not be of significant benefit to and are unnecessary for the protection of United States investors in foreign securities. On the other hand, four commentators indicated that increased disclosures substantially equivalent to those applicable to domestic companies would hake more meaningful information available to such investors on which to base their investment decisions.

Comments also were mixed concerning the ability of foreign issuers to comply with disclosure requirements substantially equivalent to those contained in Forms 10 and 10–K. Four commentators suggested that compliance would be possible while four others indicated in general that such compliance would be difficult, or impossible. Seventeen letters of comment generally expressed concern that additional disclosure requirements would impose onerous administrative burdens and expenses on foreign reporting companies, primarily because of differing legal and business systems in their countries of incorporation. Three commentators expressed the view that introducing the increased disclosures would in effect impose a double reporting requirement on foreign companies and eight commentators remarked that certain of the disclosure requirements under present Forms 20 and 20–K already are troublesome in terms of compliance and cost to certain foregin issuers. Two commentators, however, indicated that while the increased disclosures would require some additional efforts and expendituures, the question of the cost of compliance would be, in general, of relatively minor significance only.

In addition, a number of commentators responded in disparate fashion on the question of the competitive and other impacts of increased disclosure on foreign and domestic reporting companies. Two letters of comment set forth the view that substantially increasing the disclosure requirements applicable to foreign issuers would tend to reduce any competitive disadvantage which reporting domestic issuers may suffer in relation to reporting foreign issuers. Six commentators, however, expressed doubt as to whether domestic issuers are placed at any competitive disadvantage vis-a-vis reporting foreign issuers as a result of the lower disclosure standards for the latter. Sixteen commentators were of the opinion that expanded disclosure requirements would place reporting foreign issuers at a competitive disadvantage in relation to other foreign companies which are not subject to such reporting requirements.

Other commentators alluded to certain benefits to foreign issuers resulting from increased disclosure requirements. One such commentator generally referred to the proposals as being consistent with the long-term interest of foreign issuers, while another commentator predicted benefits to foreign issuers using the United States capital markets because the tentative proposals would improve the domestic market and thereby facilitate the free flow of capital among nations. Further, a letter of comment referred to positive benefits to foreign issuers as any higher costs of gathering and reporting the additional information would be more than offset by lower costs of capital resulting from improved marketability. On the other hand, two comment letters expressed the view that the additional disclosures would result in no substantial benefits to the reporting foreign companies and another letter indicated that for the substantial majority of foreign issuers, any benefits resulting to them from the proposals would be outweighed by the costs.

On the question of the appropriate standards for application of the Commission's rule making powers, four commentators indicated that disclosure by foreign and domestic reporting companies should in principle be equivalent, while three commentators expressed the view that the appropriate criterion should be the protection of investors. However, several other commentators suggested that alternative standards to substantial equivalency with domestic issuers be applied. These included reciprocal or country-of-origin treatment (11), deference to international standards to be developed (7), application prospectively to new registrants only (2), differentiation between issuers merely listing securities on United States exchanges and those which also have made a public offering of securities in the United States (3), differentiation between issuers of lesser-developed and developed countries (5) and consideration of other factors, including whether such lessers are regulated by specific governmental authorities in their domiciles with specialized reporting requirements (1). A number of letters also indicated that accommodations, provisions for specific relief and transitional periods would be necessary before certain of the disclosure items applicable to domestic reporting companies could be met by foreign companies. Finally, twelve commentators stressed the importance of separate registration and reporting forms for foreign issuers to assure that future amendments of domestic forms would not automatically be applied to foreign issuers without separate consideration.

Many commentators also addressed themselves to various of the specific disclosure requirements under Forms 10 and 10–K on the assumption that these items would be incorporated in toto in the amended Forms 20 and 20–K. The disclosure requirements presently applicable to domestic reporting companies receiving the greatest number of comments involved remuneration of individual officers and directors (19), lines of business reporting (15), time for filing (15) and financial statements and Regulation S–X [17 CFR Part 210] (13). Objections to disclosure of individual remuneration primarily were based on the contention that such information is under foreign custom a matter of privacy and disclosure thereof is not required under foreign laws. Lines of business reporting was assailed as requiring data not normally compiled under foreign practice and as posing the danger of competitive harm since any such information might be regarded as a trade secret or confidential. On the other hand, the view was also expressed that disclosure of lines of business or segment reporting would be of great interest to the financial community. In addition, many commentators indicated that adoption of the 90-day filing requirement under Form 10–K in lieu of the 180-day period under present Form 20–K would present serious problems for foreign issuers, particularly if the disclosure requirements were substantially increased. Finally, several commentators urged that the present approach to financial statements set forth in present Forms 20 and 20–K, whereby material variations in accounting principles or practices from those prescribed in Regulation S–X and the effect thereof may be disclosed and reconciled, be continued in any amendments to those forms.

Other comments related to competitive conditions and markets, research relating to new products or services, effects of compliance with environmental laws, material foreign operations, summary of operations, properties of extractive enterprises, parents and subsidiaries, number of equity security holders and principal security holders and holdings of officers and directors, officers and directors, options granted to officers and directors, certain transactions and Guide 3. Generally, these comments expressed the view that certain of the subject disclosure requirements should not be applied in present form to foreign companies either because the resulting disclosures would not be meaningful or would be inappropriate or impracticable to provide under foreign business practice, laws or customs.

II. Proposed Amendments to Forms 20 and 20-K

A. *Background and General Purpose.* The Commission, as a general proposition, understands the policy of the United States government to be one of encouraging the free flow of capital among nations. The Commission agrees with this policy. While the Commission does not have the direct responsibility to encourage international movements of capital, in development of its rules it considers the facilitation of capital movement to the extent consistent with the protection of investors. The Commission's primary mandate is investor protection, and the primary policy consideration is to provide United States investors, when investing in foreign securities, with protection equal as nearly as possible and practicable to that afforded to investors in securities of domestic issuers. The Commission's efforts in the past in this area have been directed to practical solutions of how to accommodate the policy favoring the free flow of investment capital and the exchange of investment opportunities without jeopardizing its mandate of investor protection. This will continue to be its goal.

This goal of accommodation to the extent consistent with the Commission's statutory mandate is more simply stated than implemented. Differences in laws, business and accounting customs, respect for national sovereignties and practical enforcement problems coupled with the interests of United States investors and the minor impact of foreign issuers in our markets have led to some modifications of the disclosure requirements for foreign registrants under the federal securities laws, particularly under the Exchange Act. However, with the relatively recent removal of the Interest Equalization Tax and the increasing internationalization of the world's capital markets, the Commission recognizes the apparent likelihood that the number as well as size of international transactions falling within the purview of the federal securities laws will increase.

The Commission is proposing these amendments, in part, in light of the provisions of Section 23(a)(2) of the Exchange Act.[3] The Commission is persuaded that these provisions create a positive responsibility to assure that the rules and regulations adopted by it do not impose burdens in competition not necessary or appropriate in the public interest or for the protection of investors. The gap in the disclosure requirements applicable generally to foreign issuers and those applicable to domestic and certain other foreign issuers has been increasing and may have resulted in a competitive disadvantage to domestic issuers vis-a-vis foreign issuers with respect to equal access to the United States capital markets. Comparability among registrants of the information reported under the Exchange Act is of great importance to investors since investment decisions essentially involve a choice between competing investment alternatives.

Accordingly, it has become necessary for the Commission to review its past practices and policies with respect to foreign issuers in a more systematic manner and fashion and in light of present circumstances. The proposed amendments to Forms 20 and 20-K are the first step in this direction. These proposed amendments as well as the Exchange Act Guides applicable to registration statements and reports on these forms constitute, the Commission believes, a balanced approach toward rectifying that competitive imbalance and providing more timely and meaningful information to investors, thus promoting the maintenance of fair and honest markets. The Commission further believes that improved information about foreign issuers may facilitate the free flow of capital among nations.

Forms 20 and 20-K were last amended in 1967[4] following a review of the disclosure and reporting requirements and practices in many of those countries whose issuers had securities trading in the United States and the requirements of many leading foreign stock exchanges. This review was prompted by the practical problems involved in the application of Section 12(g) of the Exchange Act, enacted in 1964,[5] to foreign issuers. During the course of this review, the Commission noted the then marked improvement in the reporting of financial and other information by foreign issuers resulting from changes in foreign corporate laws, stock exchange requirements and voluntary disclosures by the companies themselves. The Commission believes, based on more recent informal staff review of foreign disclosures and reporting requirements and the information filed or furnished to the Commission, that these improvements have continued and should continue in the future. Accordingly, the Commission presently is of the view that it is both desirable and feasible to require on a more systematic and uniform basis certain additional information from foreign issuers.

The Commission's continual efforts to improve disclosures to investors have resulted in material amendments to the 10 and 10-K forms in the past several years.[6] These revisions have resulted in part from the Commission's continual efforts to improve disclosures to investors, the Commission's efforts to integrate the disclosure requirements of the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)) and the Exchange Act, developing national economic problems and also in part as a consequence of non-securities legislation. The Forms 20 and 20-K have not been amended in similar respects. The Commission believes that the proposed amendments will not create unreasonable burdens on foreign issuers and that most foreign issuers would be able to comply, if not initially, in the reasonably near future. In this connection, a proposed instruction would make specific reference to the provisions of Rule 12b-21 (17 CFR 240.12b-21) which permit, under specified conditions, the omission from registration statements and reports filed under the Exchange Act of information which is unknown or not available.

The Commission is of the further view that the proposed amendments may help increase the interest and opportunities of American investors to invest in foreign securities. Although investing in foreign securities may involve some additional risks, there are any number of quality foreign issuers presenting good investment opportunities. Such opportunities should not be left only to the sophisticated or to professionals. By making the disclosures applicable to domestic and foreign issuers substantially equivalent, all investors should be in a better position to make more informed selective investments.

B. Integration of Disclosure Requirements

The proposals also represent another step in the Commission's continuing efforts to integrate further the corporate disclosure requirements under the federal securities laws, by permitting information provided to investors pursuant to the continuous disclosure requirements of the Exchange Act to be relied upon in lieu of disclosure which otherwise would be required in registration statements under the Securities Act. In this connection, the Commission today published for comment proposed amendments to Form S-16 (17 CFR 239.27) under the Securities Act which would liberalize the authorized uses of that form to include rights offerings to shareholders, including rights offerings of foreign issuers.[7] It is intended that the annual reports filed by foreign issuers, revised as proposed herein, will be adequate in conjunction with the other disclosures specified in Form S-16 to satisfy the disclosure requirements under the Securities Act for such offerings.

III. Summary of Proposed Amendments to Forms 20 and 20-K

Under the proposed amendments, present Forms 20 and 20-K would be re-

[3] Securities Acts Amendments of 1975 § 18, Pub. L. 94-29 (June 4, 1975).

[4] See Securities Exchange Act Release Nos. 8067 and 8068 (April 28, 1967), 32 FR 7851, 7853 (May 30, 1967).

[5] Pub. L. 88-467, 78 Stat. 565 (15 U.S.C. 781(g)).

[6] Disclosure requirements added to Forms 10 and 10-K since 1967 include provisions concerning sales and income by lines of business, a five year summary of earnings, legal proceedings including environmental litigation, competitive conditions in the applicable industry, effects of compliance with environmental laws and regulations, and estimates of oil and gas reserves. In addition, more extensive information is now required with respect to directors and officers, including their experience, background, remuneration, interests in transactions with the registrant and indemification by the registrant.

[7] Securities Act Release No. 33-5880 (November 2, 1977, FR).

placed by a single integrated form, Form 20–F. Instructions in the new form would indicate those items which are applicable to registration statements (Items 1–18 and 26) or annual reports (Items 1–10 and 16–26) as the case may be. In this connection, it should be noted that annual reports filed on the proposed new form, in common with the Form 10–K requirements, will require more extensive disclosures under certain items on an annual basis regardless of whether or not there have been changes in such information from that as previously reported, i.e., Items 1–3, 6–9, 16 and 17. This proposed requirement is important particularly with respect to the discussions of business and properties. Present Form 20–K generally requires disclosure only of significant changes that have occurred during the fiscal year and/or that have not been reported previously. The more complete annual reporting should make the annual reports more meaningful and useful to investors. Because of this requirement, the Commission is of the view that an integrated registration statement-annual report form would facilitate its use by foreign issuers and would also facilitate the incorporation of any future amendments to disclosure items into the new form.

With the exception of the items relating to the disclosures of business and properties, the proposed amendments would conform the requirements of Forms 20 and 20–K substantially to the basic disclosure requirements of present Forms 10 and 10–K, respectively. As discussed in more detail below, the proposed amendments to the items concerning business and properties would conform to certain outstanding proposals and amend further the business and property description items of Forms 10 and 10–K which would require information on an industry and homogeneous geographic segment basis. Such segment reporting requirement proposal is a consequence of a recently adopted accounting standard which is applicable to full financial statements required to be filed in registration statements and annual reports by both domestic and foreign issuers.

It should be noted that no significant changes are proposed with respect to the financial statements, as such, required to be included in registration statements and annual reports filed by foreign private issuers. The instructions to financial statements in the proposed Form 20–F, as in present Forms 20 and 20–K, would require the filing of the same financial statements as required to be filed on Forms 10 and 10–K, respectively. Similarly, the instructions to the financial statements in proposed Form 20–F would continue the present accommodation of allowing footnote or other appropriate reconcilations of accounting variances. However, such instructions would be revised to make clear, in order to conform to current staff practice, that such reconciliations are to relate both to generally accepted accounting principles in the United States ("GAAP") and to Regulation S–X.

Editorial changes in some of the general instructions and items of present Form 20 and 20–K would be made without changing the substantive requirements. The general instructions would be amended to limit further the use of the forms by excluding as authorized users what are essentially United States companies and to require the filing of additional copies of the registration statements and reports. New items would be added and others would be substantially revised and expanded, again to conform to Forms 10 and 10–K to the extent deemed practicable and appropriate. Some of the new items in the annual report would cover current events on an "if not previously furnished" basis, which are reportable by domestic issuers on the current reporting Forms 8–K (17 CFR 249.308) and 10–Q (17 CFR 249.308 (a)). These particular items would not only make available additional significant information to United States investors but also would serve as both an encouragement to improve current reporting by foreign issuers and a back-up monitoring and compliance procedure for the current reports on Form 6–K furnished by certain foreign private issuers.[8] Other items relating exclusively to foreign issuers, as such, would be added or amended.

A brief summary of the more important of the proposed amendments follows:

A. USE OF FORM AND OTHER INSTRUCTIONS

The proposed instruction as to the use of the integrated form would prohibit its use by what are essentially United States companies in order to conform to the provisions of Rules 3a12–3(b) (17 CFR 240.3a12–3(b)) and 12g3–2 (17 CFR 240.12g3–2) under the Exchange Act.[9] Other proposed instruction would require the filing of additional copies of the registration statement and report and, to provide more timely information, reduce from 6 months to 4 months the time in which the annual report must be filed following the close of the fiscal year. Review of filings by foreign issuers and other data indicate that this reduction would not be an unreasonable burden on most foreign issuers.[10]

As indicated, a new instruction would be added calling attention to the provisions of Rule 12b–21 which permit, under specified conditions, the omission from registration statements and reports filed under the Exchange Act of information which is unknown or not available. This rule would allow some degree of flexibility in dealing with problems that may be encountered initially by foreign issuers as a result of the increased requirements.

B. DISCLOSURE REQUIREMENTS

The following new items would be added to conform to comparable items in Forms 10 and 10–K, modified to the extent appropriate to make them more responsive as applied to foreign issuers: Summary of Operations (Item 2); Parents and Subsidiaries (Item 4); Interest of Management and Others in Certain Transactions (Item 9); Legal Proceedings (Item 10); Nature of Trading Market (Item 11); Recent Sales of Unregistered Securities (Item 12) and Indemnification of Directors and Officers (Item 18).

1. DESCRIPTION OF BUSINESS AND PROPERTY

Proposed Items 1 and 3 relating to the description of business and property would be substantially modified to conform them to certain outstanding proposed amendments to these same items in Forms 10 and 10–K. In Securities Exchange Act Release No. 34–13525 (May 10, 1977), 42 FR 26010 (May 20, 1977), the Commission published for comment proposed amendments to various disclosure forms and rules, including Forms 10 and 10–K, in order to coordinate them with the Statement of Financial Accounting Standards No. 14 ("SFAS No. 14") issued in December 1976 by the Financial Accounting Standards Board ("FASB"). SFAS No. 14 generally requires the presentation of certain financial information relating to industry segments and such foreign and domestic operations whenever a company issues annual or a full set of interim financial statements. The requisite information is required by SFAS No. 14 to be presented within the financial statements or in the notes thereto or must be referenced in the financial statements if not clearly a

[8] The Form 6–K is discussed below in Section V. Generally, the Form 6–K only requires the foreign issuer to furnish to the Commission whatever material investor information such issuer is required to make or otherwise makes public in foreign jurisdictions.

[9] Rule 3a12–3(b) exempts from the operation of Sections 14 and 16 of the Exchange Act those securities for which the filing of registration statements on Form 20 is authorized, except that such exemption is not available if at the end of the last fiscal year of the issuer: (a) More than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States, and (b) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

Rule 12g3–2(b) provides a conditional exemption from the registration provisions of Section 12(g) of the Exchange Act if foreign issuers furnish to the Commission material investor information which is required to be disclosed abroad or which is otherwise disclosed voluntarily by such issuers. Rule 12g3–2(d) provides a similar exemption for certain foreign private issuers which have securities registered pursuant to Section 12(b) of the Exchange Act or any private foreign issuer which is required to file reports pursuant to Section 15(d) of the Exchange Act. However, Rule 12g3–2(e) provides an exception to this provision identical to that provided in Rule 3a12–3.

[10] Rule 12b–25 (CFR 240.12b–25) under the Exchange Act permits, upon application by the registrant containing appropriate justification, extensions of time for furnishing specified information, documents or reports.

part thereof. Because of this latter requirement, the Commission proposed amendments to various disclosure forms and rules which would require the SFAS No. 14 information to be included in the business and property disclosures. These proposals would help to avoid duplication caused by compliance with SFAS No. 14 and also coordinate such segment information with the present disclosure requirements in these areas, particularly those relating to lines of business reporting. Reference is made to this prior Commission release for a fuller discussion of SFAS No. 14 and the Commission's proposals.

The Commission's proposals in Release No. 34–13525 did not relate specifically to Forms 20 and 20–K. However, since the industry segment and homogenous geographic segment reporting requirements of SFAS No. 14 are required, directly or indirectly, to be a part of the financial statements, they will also be applicable to the financial statements required to be included in Forms 20 and 20–K and in the new Form 20–F. As indicated, present Forms 20 and 20–K require substantially the same financial statements as required for Forms 10 and 10–K. Accordingly, the proposed amendments to Forms 20 and 20–K follow the same approach with respect to industry and homogeneous geographic segment reporting as proposed for Forms 10 and 10–K. It should be noted further that present Forms 20 and 20–K require only a general description of the business and properties of a foreign registrant; there are no specific detailed requirements relating to financial reporting by lines of business or, if also appropriate, the nature and extent of gas and oil reserves. The present proposals would rectify these significant disclosure shortcomings vis-a-vis the registration statement and reporting forms required to be filed by domestic and certain other North American registrants. The Commission does recognize, however, that these new business and property disclosure requirements may present some initial difficulties for foreign issuers. Accordingly, a short period for adjustment and preparation is included in these proposals. The segment information responsive to either SFAS No. 14, a financial statement reconciliation requirement for foreign private issuers, or to the business and property description items proposed in Form 20–F generally would not be required with respect to fiscal years beginning prior to January 1, 1979.

2. SUMMARY OF OPERATION

Forms 20 and 20–K, unlike Forms 10 and 10–K, do not presently require a five year summary of operations. The Commission believes that such a five year summary, together with the management's analysis thereof required by Guide 1 of the Guides, is an important disclosure permitting year-to-year comparisons. Accordingly, a new Item 2, Summary of Operations, is proposed for the new integrated form. The Commission recognizes that a temporary hardship may be placed on certain foreign issuers as a result of the addition of this item and the additional requirement that financial statements of foreign issuers in registration statements and annual reports are to be reconciled to generally accepted accounting principles in the United States. Accordingly, a short phase-in period for the presentation of a full five year period is provided in the instructions to this item.

3. PRINCIPAL SECURITY HOLDERS AND HOLDINGS OF MANAGEMENT

Proposed Item 5, Principal Security Holders and Holdings of Management, represents a modification of present Item 2, Control of Registrant, to conform to the comparable items in Forms 10 and 10–K, but with a provision relating specifically to securities issued in bearer form.

4. DIRECTORS AND EXECUTIVE OFFICERS

Proposed Item 6, Directors and Executive Officers, is substantially identical to the requirements in Forms 10 and 10–K.

5. REMUNERATION AND OPTIONS TO PURCHASE SECURITIES

Proposed Items 7 and 8 which relate to remuneration, retirement and similar benefits and to options to purchase securities paid or granted or proposed to be paid or granted, respectively, to officers and directors are substantially the same as the comparable items in Forms 10 and 10–K. However, provision would be made in the instructions to these items for the continuation, but to a more limited extent, of the accommodation in the present Forms 20 and 20–K. These forms now require only the aggregate amount of these benefits attributable to directors and officers as a group and the highest paid directors and officers are not required to be identified. Under the proposed amendments, each director and each of the three highest paid officers whose direct annual remuneration exceeded $40,000 would be required to be identified together with the aggregate benefits attributable to this identified group. The aggregate amounts attributable to all directors and officers as a group would also be disclosed. This accommodation would be limited further to the extent that individual benefit disclosures would be required if such individual disclosures are otherwise made public or required to be made public by laws, regulations or requirements of applicable foreign jurisdictions or foreign stock exchanges.

6. EXCHANGE CONTROLS AND OTHER LIMITATIONS

Proposed Item 16, Exchange Controls and Other Limitations Affecting Security Holders, represents a combination and slight modification of two separate items in present Forms 20 and 20–K.

7. TAXATION

Proposed Item 17, Taxation, is new and would be consistent with the type of disclosures included in registration statements filed by foreign issuers under the Securities Act.

8. GUARANTEES

One non-financial disclosure item, Securities and Other Issuers Guaranteed by Registrant, Item 9 in present Form 20 and Item 6 in present Form 20–K, would be deleted.

9. ANNUAL REPORTING DISCLOSURES

Proposed Items 19–25, which are applicable only to annual reports, are new, and are substantially the same as comparable current event reporting requirement items in Forms 8–K, 10–Q and 10–K filed by domestic and certain foreign issuers. As indicated in Section V of this release, those foreign registrants authorized to use Forms 20 and 20–K are required to file only current reports on Form 6–K rather than current and periodic reports on Forms 8–K and 10–Q.[11] If substantially all of the information required by these items has been furnished in prior Form 6–K reports, incorporation by reference would be permitted. These proposals are intended to elicit additional significant investor information which would either have not been required or otherwise not furnished on Form 6–K reports, to encourage more complete and prompt reporting on Form 6–K and to serve as both a monitoring and compliance procedure. Proposed new Item 25 in Form 20–K would require the identification of all Form 6–K reports furnished since the beginning of the fiscal year, and is intended to make more useful and meaningful to investors the information contained in the Form 6–K reports.

IV. GUIDES FOR SUMMARY OF OPERATION; DISCLOSURE OF EXTRACTIVE RESERVES AND GAS SUPPLIES AND FOR STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

The Commission today also authorized the publication for comment of proposed amendments to Guides 1, 2, and 3 of the Exchange Act Guides. The Exchange Act Guides are not Commission rules nor do they bear the Commission's official approval. They do, however, represent the policies and practices followed by the Commission's Division of Corporation Finance in administering the federal securities laws. The proposed amendments to the Exchange Act Guides would make clear their general application to registration statements and annual reports filed by foreign issuers under the Exchange Act.

Guide 1, Summary of Operations, provides that a separately captioned section entitled "Management's Discussion and Analysis of the Summary of Earnings" should be included immediately following the summary explaining material changes from period to period in the amounts of the items of revenues and expenses and changes in accounting principles or practices or the method of their application that have a material effect on net income, as reported. The purpose of this section is to provide investors with management's analysis of

[11] See generally Note 8 supra and accompanying text.

the financial data in the summary through a discussion of the causes of material changes in the items of the summary, disclosure of the monetary amounts of each such change and the effect of each such change on the reported results for the applicable period. This discussion is necessary to enable investors to compare periodic results of operations and to assess the source and probability of recurrence of earnings (or losses).

Guide 2, Disclosure of Extractive Reserves and Natural Gas Supplies, relates to disclosure by companies engaged in extractive operations or in the gathering transmission or distribution of natural gas. Items 1(b) and 3 of Forms 10 and 10–K, respectively, require extensive disclosures where appropriate on the quantitative amount of estimated reserves by companies in extractive industries and on the current availability of gas supplies by companies engaged in the gathering, transmission or distribution of natural gas. Guide 2 provides guidelines for responding to these disclosure requirements.

Guide 3, Statistical Disclosure By Bank Holding Companies, is intended to provide registrants with a convenient reference to the statistical disclosures relating to bank operations sought by the staff of the Division of Corporation Finance in registration statements and other disclosure documents filed by bank holding companies. The purpose of the statistical disclosures is to enable investors to assess the future earnings potential of registrants engaged in banking operations by identifying sources of income and exposures thereof to risks. The proposed amendment to this Guide contains an express provision for flexibility, as appropriate, to meet the particular facts and circumstances of individual foreign registrants.

V. Proposed Amendments To Form 6–K

Although not referred to in the Commission concept release on proposed amendments to Forms 20 and 20–K, the Commission is also proposing both substantive and clarification amendments to Form 6–K.

Certain foreign private issuers historically have been exempt from the requirements to file the periodic current and quarterly reports on Forms 8–K and 10–Q required to be filed by domestic companies pursuant to the provisions of Rules 13a–11 [17 CFR 240.13a–17] and 13a–13 [17 CFR 240.13a–13], respectively, adopted under Section 13 (a) for securities registered under Section 12 of the Exchange Act and Rules 15d–11 [17 CFR 240.15d–11] and 15d–13 [17 CFR 240.15d–13], respectively, adopted under Section 15(d) of that Act. The exemption for foreign issuers in these rules is framed in terms of those foreign private issuers required and authorized to file Form 6–K reports under Rules 13a–16 and 15d–16. Certain proposed amendments to these latter rules are discussed in Section VI of this release. The authorized use of the Form 6–K in these rules is limited generally to those foreign panies which are registered under Sec- private issuers authorized to use present Form 20–K.

Form 6–K was adopted on April 28, 1967 [12] in conjunction with the adoption of revised Forms 20 and 20–K.[13] The purpose for Form 6–K was to attempt to fill the void created by the then exemptions from filing the periodic reports required of domestic issuers but at the same time achieve a practical solution to the problems caused by differing disclosure policies, customs and practices in foreign jurisdictions. The Commission when adopting Form 6–K was aware that foreign countries were then revising their requirements with respect to periodic disclosures and reports. The Commission believes that this trend is continuing.

A foreign issuer required to make reports on Form 6–K is required generally to furnish therewith whatever material investor information which such issuer: (1) is required to make public in the country of its domicile or in which it is incorporated or organized by the law of that country, (2) filed with a foreign stock exchange and which was made public by that stock exchange, and/or (3) distributed to its security holders. The report is to be furnished promptly after the foreign disclosure. The Form 6–K consists of the cover page and copies of whatever documents or papers that were filed or distributed abroad. These documents or papers presently are not required to be translated into English unless translations or substantially equivalent English versions have been prepared. The Form 6–K reports are not deemed "filed" for the purposes of liabilities under Section 18 of the Exchange Act.

The Commission is of the view that for the Form 6–K reports to have any practical utility to United States investors, the information furnished therewith must be in the English language. Additionally as indicated, certain of the proposed amendments to Form 20–K would require, unless previously furnished on Form 6–K reports, specific disclosure with respect to events normally reported by domestic issuers in periodic reports on Forms 8–K and/or 10–Q. Rule 12b–12(d) [17 CFR 240.12b–12(d)], which is applicable to Form 20–K reports, requires such reports to be in the English language and the filing of English translations of any exhibits or other papers or documents filed with such reports.

Accordingly, the Commission is proposing that all exhibits, papers, or documents furnished in connection with Form 6–K reports be English language translations, substantially equivalent English language versions of the foreign language exhibits, papers or documents or adequate English language summaries thereof. A staff review of the Form 6–K reports as well as of the information furnished by foreign private issuers under exemptive Rule 12g3–2(b) indicated the widespread practices of most foreign issuers, the notable exception being certain Japanese issuers, of providing information in English. The Commission does not believe this proposed amendment would be unduly burdensome to foreign issuers, particularly when measured against the benefits to be accorded to United States investors.

The Commission is also proposing to add to the list of examples in the Form of the types of information that are to be furnished those items corresponding to the current events required to be reported on Forms 8–K and/or 10–Q.

Attention is directed to the complete text of the proposed amendments to Form 6–K contained elsewhere in this release.

VI. Proposed Amendments to Rules 13a–16 and 15d–16 Under The Exchange Act

One of the amendments in proposed Form 20–F would remove the authorized use of that form for what are essentially United States companies. Since Form 6–K was adopted as a periodic reporting form for those foreign issuers required to file annual reports on Form 20–K, the Commission is proposing conforming amendments to Rules 13a–16 and 15d–16 to remove such authorization also for the use of Form 6–K. Rules 13a–16 and 15d–16 prescribe the Form 6–K filing requirement for those foreign issuers subject to Rule 13a–1 [17 CFR 240.13a–1] and 15d–1 [17 CFR 240.15d–1], the annual report requirements for issuers with securities registered under Section 12 of the Exchange Act and for issuers with effective registration statements under the Securities Act, respectively. The proposed amendments to these rules would further make clear the Form 20–F and Form 6–K tandem filing requirement by substituting a specific reference to the authorized use of proposed Form 20–F as the basis for the authorized use of Form 6–K in lieu of the specific exceptions to the use of Form 6–K now contained in these rules.

VII. Proposed Amendments to Rule 3a12–3 Under The Exchange Act

Rule 3a12–3 by its terms presently contains a specific exemption from all of the provisions of Sections 14 and 16 of the Exchange Act for the securities of certain foreign issuers. Section 14 generally provides the authorization for the Commission to adopt rules governing, among other things, the solicitation of proxies from security holders, information statements to be furnished security holders in the absence of solicitations of proxies and the acquisitions of or tender offers for securities registered under Section 12 of the Exchange Act. Section 16 generally deals with improper trading of officers, directors and certain beneficial holders in the securities of their companies which are registered under Sec-

[12] Securities Exchange Act Release No. 34–8069 (April 28, 1967), 32 FR 7854 (May 30, 1967).

[13] Rule 12g3–2 [17 CFR 240.12g3–2] also was adopted at the same time. This rule provides various exceptions from the registration provisions of Section 12g of the Exchange Act for American depositary receipts and for the securities of certain foreign private issuers. The exemption in paragraph (b) of Rule 12g3–2 requires the furnishing to the Commission on a continual basis of the same material investor information required to be furnished by Form 6–K.

tion 12 and with required reports as to their holdings.

Rule AN 18, the forerunner of present Rule 3a12–3, was adopted on November 6, 1935. The Rule was last amended on April 21, 1966.[14] On that date, the rule was amended to make clear that the exemption applied to all of then Section 14[15] and also to remove the exemption for what are essentially United States companies.[16] The exemption in the rule is phrased in terms of the authorization to use certain specified forms for registration of securities under Section 12 of the Exchange Act.

The Commission is proposing amendments to Rule 3a12–3 which would: (1) delete reference to Form 21 which was repealed as of June 30, 1967; [17] (2) change the reference therein to former Form 20 to the proposed new Form 20–F; (3) make clear that the exemption applies only with respect to securities actually registered pursuant to Section 12 and for which such registration on the specified forms was authorized and (4) make clear that the exemption applies only to the provisions respecting proxy solicitations and the furnishing of information statements.

The first two proposed amendments indicated above are self-explanatory.

The third proposed amendment is intended to conform the rule with prior staff interpretations to the effect that (a) the exemption from the proxy solicitation and information statement provisions of Section 14 and the insider trading provisions of Section 16 does not apply to those securities which, although required to be registered, are not so registered and (b) the exemption would not be lost if the issuer voluntarily registers the securities and/or files periodic and annual reports on the more demanding registration and reporting forms prescribed for domestic issuers.

The fourth proposed amendment is to correct an oversight in not amending the rule when Congress, in 1968, adopted the so-called Williams Act Amendments which added Sections 13(d), 13(e), 14(d), 14(e), and 14(f) to the Exchange Act.[18] These sections govern the acquisitions of or tender offers for securities registered under Section 12 of the Exchange Act. The Commission is of the view that it would be contrary to the public interest and the protection of United States investors to continue the present literal exemption for securities of foreign issuers from the acquisition and tender offer provisions of the Act. These latter provisions are as important to those United States investors who invest in securities of foreign issuers as to those who invest in the securities of domestic issuers, as well as to the issuers of such foreign securities.

VIII. Operation of Proposed Amendments

The proposed amendments to Forms 20 and 20–K are based substantially on comparable items of Forms 10 and 10–K as now in effect or, with respect to the business and property items, as presently proposed. Any additional outstanding proposals to amend Forms 10 and 10–K, if adopted, would be considered as amendments to the new Form 20–F. Once substantial equivalency has been achieved, any proposed amendments to Forms 10 and 10–K also would include proposals, as appropriate, to Form 20–F.

The amendment to Guide 2, as proposed, will be effective only if the proposals to add a new Item 2, Summary of Operations, to Forms 20 and 20–K is adopted. Although proposed for comment in this release, the Division of Corporation Finance nevertheless intends to request compliance with Guides 1 and 3 in connection with its review of registration statements on Form 20 filed after the publication of their proposed amendment thereto in the Federal Register. Guides 1 and 3 would be applicable to annual reports only if the proposal to require more complete disclosure on an annual basis in such reports is adopted. As with the Forms 20 and 20–K, it is intended in the future to coordinate more closely the application of the Exchange Act Gudies to registration statements and reports filed by foreign private issuers.

The proposed amendments to Form 6–K and to Rules 3a12–3, 13a–16 and 15d–16 will be considered independently of the proposals to amend the Form 20 and 20–K.

Statutory Authority for Proposed Amendments

The amedments to Forms 20, 20–K and 6–K; to Guides 1, 2, and 3 of the Guidelines For The Preparation of Registration Statements and Reports and to Rules 13a–16 and 15d–16 are proposed pursuant to Sections 12, 13, 15(d) and 23(a) of the Exchange Act. The amendments to Rule 3a12–3 are proposed pursuant to Sections 3(a)(12), 12(b), 12(h), 13, 14, 15(d), and 23(a) of the Exchange Act.

Pursuant to section 23(a)(2) of the Exchange Act, the Commission has considered the impact that these proposals would have on competition and is not aware, at this time, of any burden that such rules, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

The complete text of Form 20–F giving effect to all proposed amendments to Forms 20 and 20–K and the text of the proposed amendments to the Exchange Act Guides, Form 6–K and Rules 3a12–3, 13a–16 and 15d–16 follow. Because of the extensive character of the proposed amendments, no attempt has been made to indicate the text of the present provisions. Reference should be made to the text of the present forms, guides and rules for comparison.

By the Commisison.

George A. Fitzsimmons,
Secretary.

November 2, 1977.

Text of Proposed Amendments

1. Form 20 [17 CFR 249.220] and Form 20–K [17 CFR 249.320] are proposed to be amended to read as follows: § 249.–220–f Form 20–F, for registration of securities of foreign private issuers pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934, and for annual reports of foreign private issuers filed pursuant to Sections 13 or 14(d) of that Act.

General Instructions

A. Rule as to the use of form 20–F

(1) This form is to be used for registration pursuant to Section 12 of the Securities Exchange Act of 1934 of any class of securities of any foreign private issuer except that it shall not be used by:

(a) Any North American or Cuban issuer if (i) the securities are to be registered pursuant to Section 12(b) of the Act; (ii) of the securities are to be registered under Section 12(g) of the Act as result of the termination of the exemption provided by Rule 12g3–2(d) [17 CFR 240.12(g)3–2(d)]; or (iii) the issuer has had the same or any other class of securities registered pursuant to Section 12 of the Act on Form 10 [17 CFR 249.210], or Form 8–A [17 CFR 249.208a] or 8–B [17 CFR 249.208b] in lieu of Form 10 within one year prior to the date on which the registration statement is filed or required to be filed under Section 12(g); or

(b) Any foreign issuer if at the end of the last fiscal year of the issuer (i) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (ii) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

(2) This form is to be used for annual reports of foreign private issuers filed under Section 13 or 15(d) of the Securities Exchange Act of 1934 pursuant to Rule 13a–1 [17 CFR 240.13a–1] or 15d–1 [17 CFR 240.15d–1] except that it shall not be used by:

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[14] Securities Exchange Act Release No. 34–7846 (April 21, 1966), 31 FR 6705 (May 5, 1966).

[15] Section 14(c), pertaining to information statements, was added to the Act on August 20, 1964, Pub. L. 88–467, 78 Stat. 565 (15 U.S.C. 78n(c)).

[16] Rule 3a12–3(b), *supra* note 9.

[17] Securities Exchange Act Release No. 34–8067 (April 28, 1967), 32 FR 7851 (May 30, 1967).

[18] Pub. L. 90–439, 82 Stat. 454–547 (15 U.S.C. 77m (d), (e), 78n (d), (e), (f)).

(a) Any North American or Cuban issuer:

(i) Which has any class of securities registered pursuant to Section 12 of the Act on Form 10, or on Form 8–A or 8–B in lieu of Form 10; (ii) which is filing the report pursuant to Section 15(d) of the Act; (iii) whose obligation to file reports pursuant to 15(d) of the Act is suspended as a result of the registration of a class of securities pursuant to Section 12(g) of the Act; or (iv) which has registered securities under Section 12(g) of the Act as a result of termination of the exemption provided by Rule 12g3–2(d) [17 CFR 240.12g3–2(d)]; or

(b) Any foreign issuer if at the end of the fiscal year being reported on (i) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (ii) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States.

(3) Annual reports on this form shall be filed within four months after the end of the fiscal year covered by such report.

B. APPLICATION OF GENERAL RULES AND REGULATIONS

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement, the information to be given whenever the title of securities is required to be stated, language to be used, and the filing of the registration statement. The definitions contained in Rule 12b–2 [17 CFR 240.12b–2] should be especially noted.

C. PREPARATION OF REGISTRATION STATEMENTS AND REPORTS

(1) This form is not to be used as blank form to be filed in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 [17 CFR 240.12b–12]. The registration statement or annual report shall contain the item numbers and captions, but the text of the items may be omitted. See General Instruction G as to items to be responded to in the registration statement or report. The answers to the items shall be prepared in the manner specified in Rule 12b–13 [17 CFR 240.12b–13].

(2) With respect to a registration statement, the information required shall be given as of a date reasonably close to the date of filing the registration statement, and with respect to an annual report, the information shall be given as of the latest practicable date except where the information is required by the item to be given for the fiscal year or as of a specified date.

(3) Attention is directed to Rule 12b–20 [17 CFR 240.12b–20] which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading."

(4) Attention is directed to Rule 12b–21 [17 CFR 240.12b–21] which refers to the omission of information which is unknown or not reasonably available.

D. SIGNATURE AND FILING OF REGISTRATION STATEMENTS AND REPORTS

Three complete copies of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as part thereof, and five additional copies which need not include exhibits, shall be filed with the Commission. At least one complete copy of the registration statement or report, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities is to be registered or is registered. At least one complete copy of the registration statement or report filed with the Commission and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

E. OMISSION OF INFORMATION REGARDING FOREIGN SUBSIDIARIES

Information required by any item or other requirement of this form with respect to any subsidiary outside the registrant's country of domicile or where organized, may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental and may require its inclusion if such justification is determined not to be consistent with the public interest or the protection of investors.

F. INCORPORATION BY REFERENCE

Attention is directed to Rule 12b–23 (17 CFR 240.12b–23) which provides for the incorporation by reference of information contained in certain documents in answer or partial answer to any item of registration statement or report.

G. ITEMS TO BE RESPONDED TO IN REGISTRATION STATEMENTS AND ANNUAL REPORTS

(1) A registration statement on this form shall include the information required by Items 1–18 inclusive and 26.

(2) Subject to the provisions in Items 19–24 regarding the omission of previously reported information, an annual report on this form shall include the information required by Items 1–10 inclusive and 16–26 inclusive. If the information required by Items 4, 10 and 18 would be unchanged from that given in a previous report, a reference to the previous report which includes the required information will be sufficient. Copies of such previous report need not be filed with the report currently being filed on this form.

SECURITIES AND EXCHANGE COMMISSION

FORM 20–F

REGISTRATION STATEMENT PURSUANT TO SECTIONS 12(B) OR (G) OF THE SECURITIES EXCHANGE ACT OF 1934

OR

ANNUAL REPORT PURSUANT TO SECTIONS 13 AND 15D OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended_____Commission file number_____

_____

(Exact name of registrant as specified in its charter)

_____

(Transaction or registrant's name into English)

_____

(Jurisdiction of incorporation or organization)

_____

(Address of principal executive offices)

Securities registered or to be registered pursuant to Section 12(b) of the Act.

Title of each class	*Name of each exchange on which registered*
_____	_____
_____	_____

Securities registered or to be registered pursuant to Section 12(g) of the Act.

_____

(Title of class)

_____

(Title of class)

Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report.

_____

_____

INFORMATION REQUIRED IN REGISTRATION STATEMENT

ITEM 1. DESCRIPTION OF BUSINESS

(a) State the year in which the registrant was incorporated or organized, date of termination of charter or other governing instrument and its from of organization (such as "a corporation," or "unincorporated association" or other appropriate statement).

(b) *General.* Describe the business done and intended to be done by the registrant and its subsidiaries and the general development of such business during the past 5 years, or such shorter period as the registrant may have been engaged in business. Information shall be disclosed for earlier periods of time if necessary for a complete understanding

of the general development of the business. To the extent appropriate, the general discussion of the business shall include the information specified in paragraphs (c)(1) through (c)(9) below.

(c) *Narrative Disclosures by Segment.* Each industry segment into which the registrant's business is classified shall be described separately. The description of each such segment shall include the information specified in paragraphs (c)(1) through (c)(9) below to the extent material to the segment.

(1) Competitive conditions in the industry segment involved and the competitive position of the registrant, if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services. The principal methods of competition (e.g., price, service, warranty or product performance) should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained if known or reasonably available to the registrant. An estimate of the number of competitors and registrant's competitive position in the industry should be included; where material, the particular markets in which the registrant competes should be identified. In connection with these disclosures the names of either customers or competitors are not required in the usual case; however, where one or a small number of competitors are dominant, they should be identified. If the registrant voluntarily includes such names, no objection is ordinarily raised unless in the particular case the effect of including such names is misleading.

(2) If a material part of the business of the industry segment involved is dependent upon a single customer or a few customers, the loss of any one or more of whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding thier importance to the business of the registrant.

(3) The principal products produced and services rendered by the registrant in the industry segment, the principal markets for, and methods of distribution of, such products and services, including any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution, during the past 3 fiscal years (See Paragraph (d)(2) below).

(4) To the extent that information concerning backlog is material to an understanding of the business of the industry segment, the dollar amount of backlog orders beleved to be firm, as of a recent date and as of a comparable date in the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year, and seasonal or other material aspects of the backlog.

(5) The sources and availability of raw materials essential to the business of the industry segment.

(6) The importance to the industry segment and the duration and effect of all material patents, trade marks, licenses, franchises and concessions held.

(7)(i) The estimated dollar amount spend during each of the last two fiscal years on material research activities relating to the development of new products or services or the improvement of existing products or services, indicating separately those activities which were company-sponsored and/or those which were customer-sponsored and disclosure of financial information relating to research and development activities. The disclosure of expenditures for company-sponsored research activities shall be stated in accordance with generally accepted accounting principles.

(ii) If there has been a public announcement of, or if information otherwise has become public about, a new product or industry segment requiring the investment of a material amount of total assets, a description of the status of such product or segment (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary.) This subparagraph requires a description of the status of product development in addition to the description of the business otherwise required by the item. The subparagraph is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the registrant's competitive position. It is intended to elicit additional specific information only where there has been a public announcement or where information has otherwisc become public concerning a new product or industry segment requiring the investment of a material amount of total assets.

(iii) Where material, state the appropriate number of employees engaged fulltime in each of the activities described in 7(i) above during each fiscal year and in 7(ii) above.

(8) The extent to which the business of the industry segment or a material portion thereof is or may be seasonal.

(9) The number of persons employed by the registrant.

Instructions. 1. In identifying the appropriate reportable industry segments, the registrant shall consider the relevant provisions of Appendix A to this item.

2. If the registrant proposes to introduce or has recently introduced a new product or proposes to do business or has recently begun to do business in a new industry segment requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the document, but not as part thereof, a copy of any studies conducted or performed by or for the registrant relating to such business or product and a statement as to the actual or proposed use of such study. If any such study is not available at the time of filing, it should be provided as soon thereafter as practicable. Where material, disclosure of the absence of such study is required.

3. Where material to understanding the business, the practices and conditions of the registrant and the industry as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal, where the registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has provided extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise.

5. Appropriate disclosure shall also be made as to the material effects that compliance with any applicable laws or regulations in any jurisdiction in which the issuer conducts operations which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries.

6. In describing developments, information shall be given as to matters such as the following: the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

7. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item.

(d) *Financial Information about Industry Segments and Classes of Similar Products or Services.* (1) State for each fiscal year beginning after December 31, 1978 or for each fiscal year subsequent to December 31, 1978 the registrant has been engaged in business, whichever period is shorter, the information set forth in (i)–(iv) below. The information shall be presented as to each of the reportable industry segments into which the business of the registrant and its subsidiaries is classified for the purpose of responding to paragraph (c) above and in the aggregate for the remainder of the enterprise's industry segments not deemed reportable segments. Registrants should note, however, that the 5-year period is merely a guide to disclosure and that disclosure

of information regarding operations occurring outside this 5-year period may be material under certain circumstances. The financial information required by this subparagraph need not be furnished if all of the registrant's business is in a single industry segment or if a single industry segment contributes amounts of revenue and operating profit or loss each of which equals more than 90 percent of registrant's total revenue and operating profit or loss respectively and utilizes more than 90 percent of the registrant's identifiable assets during each of its two most recent fiscal years. If, however, such dominant segment is experiencing during either of those years a material change in the trend of revenues, market share or profitability, the financial data required by the subparagraph shall be provided. Appendix A to this item contains definitions and guidelines for compliance with the subparagraph and the required information may be presented in the form of the table set forth in Appendix B.

(i) The amount of total sales and revenues with intersegment sales/transfers shown separately. By footnote to the amount of total intersegment sales/transfers, state: (A) the identity of the industry segment(s) to which such intersegment sales/transfers by product or service were made and the amount(s) made to each; (B) the relationship between the per unit dollar amount at which intersegment sales/transfers are reflected and the per unit dollar amount of sales to unaffiliated third parties of identical products or services; and (C) the percentage of aggregate revenues of such identical products or services accounted for by the intersegment sales/transfers.

(ii) The amount of operating profit or loss (revenue less operating expense).

(iii) The aggregate carrying amount of identifiable assets.

(iv) Reconciliations of the information about revenue, profitability and identifiable assets to the related amounts in the registrant's consolidated financial statements.

(v) The aggregate amount of depreciation, depletion, and amortization expense.

(vi) The amount of capital expenditures, i.e., additions to its property, plant and equipment.

(vii) The equity in the net income from and investment in the net assets of unconsolidated subsidiaries and other equity method investees whose operations are vertically integrated with the operations of that segment. Disclosure shall also be made of the geographic areas in which those vertically integrated equity method investees operate.

(2) State for each fiscal year specified in (1) above the amount of percentage of total sales and revenues contributed by each class of similar products or services which accounted for 10 percent or more of total sales and revenues in either of the last two fiscal years, or 15 percent or more of total sales and revenues if total sales and revenues did not exceed $50,000,000 during either of the last two fiscal years. This paragraph calls for information with respect to classes of similar products or services regardless of whether the registrant's business activities are classified into more than one industry segment and reported pursuant to paragraph (d)(1) above. However, this information may be combined, where appropriate, with the response to paragraph (d)(1).

Instruction. Notwithstanding the time periods specified above for which industry segment and classes of products information is required to be stated, registrant shall include in response to this item for each fiscal year beginning prior to January 1, 1979 necessary to cover the full period specified in paragraph (b) above whatever financial information with respect to lines of business, classes of products and/or industry segments registrant has disclosed for such fiscal years in any registration statement declared effective under the Securities Act of 1933.

(e) *Financial Information about Foreign and Domestic Operations and Export Sales.* If the registrant and its subsidiaries engage in material operations in countries outside the registrant's home country (i.e., foreign operations), or if a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto.

(1) State for each of the registrant's last five fiscal, or for each fiscal year beginning after December 31, 1978, or for each fiscal year the registrant has been engaged in business, whichever period is shorter, the information set forth in (1)–(iv) below. The information shall be presented as to the registrant's domestic operations in the aggregate and as to its foreign operations, either in the aggregate or by appropriate homogeneous geographic segment, if the revenue generated by the registrant's foreign operations from sales to unaffiliated customers is 10 percent or more of consolidated revenue or if the identifiable assets of the registrant's foreign operations are 10 percent or more of consolidated total assets as reported in the registrant's financial sattements during either of the last two fiscal years or during the most recent interim period for which complete financial statements are furnished. Separate information about domestic operations need not be presented if the revenue from sales to unaffiliated customers and the identifiable assets of the domestic operations are less than 10 percent of related consolidated amounts.

(i) The amount of total sales and revenues with sales or transfers between geographic areas (i.e., intra-enterprise transfers) shown separately. By footnote to the amount of intra-enterprise sales or transfers, state: (A) the identity of the geographic area(s) (foreign and domestic) to which such sales/transfer by product or service were made and the amount(s) made to each; (B) the relationship between the per unit dollar amounts at which the intra-enterprise sales/transfers were reflected and the per unit dollar amount of sales to unaffiliated third parties of identical products or services; and (C) the percentage of aggregate revenues of such identical products or services accounted for by the intra-enterprise sales/transfers between the geographic areas.

(ii) The amount of operating profit or loss, net income of some other measure of profitability between operating profit or loss and net income as long as a common level of profitability is reported for all geographic areas.

(iii) The aggregate carrying amount of identifiable assets.

(iv) Reconciliations of the information about revenue, profitability, and identifiable assets to related amounts in the registrant's consolidated financial statements.

(2) State for each fiscal year and interim period specified in (e)(1) above, the amount of export sales from the registrant's home country to unaffiliated customers in foreign countries in the aggregate or by any appropriate geographic areas if the total amount of export sales contributed 10 percent or more to total sales to unaffiliated customers during either of the last two fiscal years or during the most recent interim period for which complete financial statements are provided.

Instructions. 1. The instruction to paragraph (d) of Item 1 above is applicable to this paragraph.

2. Registrants should note that the five-year period is merely a guide to disclosure and that disclosure of informatioin regarding operations occurring outside this five-year period may be material under certain circumstances. Appendix A to this item contains definitions and guidelines for compliance with this paragraph and the required information may be presented in the form of the table set forth in Appendix C.

(f) The Commission may, upon written request of the registrant, and where consistent with the public interest or the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. In addition to the information expressly required to be included in a registration statement or an annual report, there shall be added such further material information, of any, as my be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading. See Rule 12b-20 [17 CFR 240.12b-20] under the Securities Exchange Act of 1934.

ITEM 2. SUMMARY OF OPERATIONS

Furnish in comparative columnar form a summary of operations for the registrant or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income from continuing operations; discontinued operations, less applicable tax; income or loss before extraordinary items; extraordinary items, less applicable tax; cumulative effects of changes in accounting principles; and net income or loss.

2. If a period or periods reported on includes operations of a business prior to the date of acquisition, or for other causes differs from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be also shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) if debt securities are being registered, the registrant may, at its option, shown in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be shown on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and its consolidated subsidiaries. See Accounting Series Release No. 122 (August 10, 1971) [36 FR 15527 (August 17, 1971)].

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income or unconsolidated subsidiaries and 50 percent or less owned persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) Any registrant electing to show the ratio of earnings to fixed charges, in accordance with this instruction, shall filed as an exhibit a statement setting forth in reasonable detail the computations of the ratios shown.

5. If the presentation of the information specified for the past five-year period would involve unreasonable effort or expense, the summary may be limited to the past three fiscal years (or for the life of the registrant and its predecessors, if less) in registration statements and annual reports filed before December 31, 1978 and to the past four fiscal years in registration statements and annual reports filed before December 31, 1979.

6. See also Guide 1, Summary of Operations, of the Guides For Preparation of Registration Statements and Reports under the Securities Exchange Act of 1934.

ITEM 3. DESCRIPTION OF PROPERTY

(a) State briefly as to each of registrant's industry segments discussed in Item 1 the location and general character of the principal plants, mines and other materially important physical properties of the registrant and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

Instructions. 1. What is required is information essential to an investor's appraisal of the securities to be registered. Such information should be furnished as will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions o fthe physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

2. In the case of an extractive enterprise, material information shall be given as to the production, reserve, locations, development and the nature of the registrant's interest. Where individual properties are of major significance to the enterprise (i) more detailed information concerning these matters shall be furnished, including the results of development and significant geological structures and formations, where appropriate, and (ii) appropriate maps shall be used to disclose location data of significant properties, except where numerous maps would be required. Where the report of any engineer or other expert is referred to in the registation statement, a copy of the full report shall be furnished as supplemental information but not as a part of the registration statement.

(b) Where oil and gas operations are material to the registrant's business operations or financial position, disclose the following under appropriate captions:

(1) Estimates as of a reasonable current date of proved developed and proved undeveloped future net recoverable oil and gas by appropriate geographic area(s), such as by continent or by country, except that United States reserves shall be shown separately. (See Instruction 4 with respect to estimates of foreign reserves.)

(2) Net oil and gas production for oil in barrels and gas in MCF for each of the last five years, by areas no larger than the geographic areas used for estimated reserves in Item 3(b)(1) above. (See Instruction 5.)

(3) As of a reasonably current date, the total gross and net productive wells, expressed separately for oil and for gas, and the total gross and net producing acres. For purposes of this requirement, one or more completions in the same bore hole shall be counted as one well. A footnote shall disclose the number of wells with multiple completions. (See Instruction 6.)

(4) The availability of oil and gas from the present reserve or contract supply for at least one year from the "as of" date of the reserve estimate provided in Item 3(b)(1) above. (See Instruction 7.)

(5) Any oil or gas reserve estimates filed with or included in reports of any governmental authority or agency within the twelve months prior to filing (or a statement that there were none), together with the name of the authority or agency and an explanation of the reasons for differences, if any, between such estimates and the estimates included in the registration statement. (See Instruction 8 with respect to filings with foreign authorities or agencies.)

(6) As of a reasonably current date, the amounts of undeveloped acreage, both leases and concessions, if any, expressed in both gross and net acres by State, country, or other appropriate geographic area, together with an indication of acreage concentrations, and, where material, the minimum remaining terms of leases and concessions. (See Instruction 9.)

(7) Present activities, such as the number of wells in process of drilling, waterfloods in process of installation, pressure maintenance operations, and any other related operations of material importance. (See Instruction 10.)

Instructions. 1. This item 3(b) shall not apply to filings by limited partnerships, or joint ventures that conduct, operate, manage, or report upon oil and gas drilling or income programs which acquire properties either for drilling and production, or for production of oil, gas, or geothermal steam or water.

2. The required information shall be furnished in tabular form whenever practicable.

3. Estimates of future recoverable oil and gas shall be limited to proved developed and proved undeveloped future net recoverable reserves. For purposes of this instruction "proved reserves" are defined to be those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable cer-

tainty to be recoverable in the future from known oil land gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved reserves shall be subdivided into the following classifications:

(a) *Proved Developed Reserves.* These are proved reserves which can be expected to be recovered through existing wells with existing equipment and operating methods. This classification shall include:

(i) *Proved Developed Producing Reserves.* These are proved developed reserves which are expected to be produced from existing completion interval(s) now open for production in existing wells; and

(ii) *Proved Developed Non-Producing Reserves.* These are proved developed reserves which exist behind the casing of existing wells, or at minor depths below the present bottom of such wells, which are expected to be produced through these wells in the predictable future, where the cost of making such oil and gas available for production should be relatively small compared to the cost of a new well.

Additioinal oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery shall be included as "Proved Developed Reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(b) *Proved Undeveloped Reserves.* These are proved reserves which are expected to be recovered from new wells on undrilled acreage, or from existing wells where a relatively major expenditure is required for recompletion. Reserves on undrilled acreage shall be limited to those drilling units offsetting productive units, which are reasonably certain of production when drilled. Proved reserves for other undrilled units can be claimed only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.

Under no circumstances should estimates for proved undeveloped reserves be attributable to any acreage for which an application of fluid injection or other improved recovery technique is contemplated, unless such techniques have been proved effective by actual tests in the area and in the same reservior. If warranted, however, a narrative discussion can be provided to point out those areas where future drilling or other operations may develop oil and gas production which at the time of filing is considered too uncertain to be expressed as numerical estimates for proved reserves.

4(a) Consideration should be given to the effect on ownership of reserves of any takeover or nationalization by foreign governments or properties owned by the registrant, including any possible change of a property interest into a long-term supply, purchase, or similar agreement.

(b) The amounts of oil and gas subject to purchase under long-term supply, purchase, or similar agreements with foreign governments or authorities should be disclosed separately under Item 3(b)(1) when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

(c) When any government restricts the disclosure of estimated reserves for properties under their governmental authority, or amounts under long-term supply, purchase or similar agreements to be disclosed pursuant to Instruction 3(b), the registrant need not disclose such estimates or amounts but shall identify the country and state that the reported reserve estimates or amounts do not include figures for the name country.

5(a) Generally, "net" production should include only that production which is owned by the registrant and produced to that party's interest. Such "net" production shall refer to production that is "net after royalty." However, in special situations (e.g., foreign production) "net before royalty" production figures may be provided if more practical and/or useful. If "net before royalty" production figures are furnished, the change from the common usage of "net" production should be noted.

(b) Production of oil, gas, condensate, and natural gas liquids should be reported separately. In addition, any part of the natural gas liquids production obtained through or from processing plant ownership, rather than through leasehold ownership should be reported separately, where material.

(c) The amounts of oil and gas purchased under long-term supply, purchase, or similar agreements with governments or authorities should be disclosed separately under Item 3(b)(2) when such purchases represent the registrant's production, or partial production, under a previous equity interest, or when the registrant has invested monies in such prospects or has some special arrangement.

(d) Any gas used to enhance production shall not be disclosed as produced until such time as it is sold.

6. Definition of gross and net for wells and acres.

(a) A *gross well* is a well in which an interest is owned. The number of gross wells is the total number of wells in which an interest is owned.

(b) A *net well* is deemed to exist when the sum of fractional ownership interests in gross wells equals one. The number of net wells is the sum of the fractional interests owned in gross wells expressed as whole numbers and fractions thereof.

(c) A *gross acre* is an acre in which an interest is owned. The number of gross acres is the total number of acres in which an interest is owned.

(d) A *net acre* is deemed to exist when the sum of the fractional ownership interests in gross acres equals one. The number of net acres is the sum of the fractional interests owned in gross acres, expressed as whole numbers and fractions therof.

NOTE.—For those unusual situations where gross and net data cannot be supplied, any alternative disclosure furnished should set forth adequately the registrant's position with respect to productive wells and producing acres.

7. The term "availability" is defined to be an estimate of that quantity of oil and gas which can be produced from current proved developed reserves using presently installed equipment under existing economic and operating conditions in a given future time period, such as a day, a month, or a year. Such estimate shall be based on past performance, and shall represent an estimate of the amount of oil and gas that can be produced for a future time period from existing proved developed reserves under normal operations with current prices and costs. Such estimates of available oil and gas should be stated for a minimum of one year, but for no more than five years.

NOTE.—See paragraph (b) of Guide 2 under the Act for the definition of "availability" which is to be used with respect to gas supplies of companies engaged in the gathering, transmission, or distribution of natural gas.

8. The requirements in Item 3(b)(5) relating to estimates filed with governmental authorities or agencies shall not apply if:

(a) The total foreign reserve estimate included in the Commission filing does not exceed 5 percent of the total reserve estimate; or

(b) The difference between the foreign reserve estimate included in the Commission filing and the reserve estimate filed with the governmental authority or agency does not exceed 5 percent.

NOTES.—1. A statement that the foreign reserve estimate or the difference, whichever is applicable, does not exceed 5 percent shall also be included.

2. See Instruction 4 when foreign governments restrict disclosure of estimated reserves.

9. For purposes of Item 3(b)(6), the term "undeveloped acreage" is considered to be those lease acres not now held by production. The term should not be confused with that acreage for which proved undeveloped reserves can be estimated.

10(a) Present activities required to be disclosed pursuant to Item 3(b)(7) should be provided for an "as of" date as close to the date of filing as reasonably possible.

(b) The disclosure for wells in the process of being drilled should include only those wells actually being drilled at the "as of" date explained in Instruction 10(a), and should be expressed in terms of both gross and net wells.

(c) The disclosure should not include wells planned but not commenced, unless there are factors involved which make such information material.

ITEM 4. PARENTS AND SUBSIDIARIES

(a) Furnish a list or diagram of all parents and subsidiaries of the registrant and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent, if any.

Instructions. 1. The list or diagram shall include the registrant and shall be so prepared as to show clearly the relationship of each person named to the registrant and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

2. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in consolidated financial statements; (c) subsidiaries included in group financial statements filed for unconsolidated subsidiaries; and (d) other subsidiaries, indicating briefly why financial statements of such subsidiaries are not filed.

3. Include the name of the State, country or other jurisdiction in which each subsidiary was incorporated or organized.

4. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

5. The names of consolidated wholly-owned multiple subsidiaries carrying on the same line of business may be omitted, provided that the name of the immediate parent, the line of business, the number of omitted subsidiaries operating in the country of incorporation or organization and the number operating in other foreign countries are given.

6. If the registrant owns directly or indirectly approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, or if the registrant takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item.

(b) Describe any contractual arrangement, known to the registrant, including any pledge of securities of the registrant or any of its parents the operation of the terms of which may at a subsequent date result in a change of control of the registrant.

Instruction. This paragraph does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the registrant.

ITEM 5. SECURITIES OWNERSHIP OF CERTAIN BENEFICIAL OWNERS AND MANAGEMENT

(a) Furnish the following information, as of the most recent practicable date, in substantially the tabular form indicated, with respect to any person (including any "group" as that term is used in Section 13(d)(3) of the Act) who is known to the registrant to be the beneficial owner of more than five percent of any class of registrant's voting securities. Show in Column (3) the total number of shares beneficially owned and in Column (4) the percent of class so owned. Of the number of shares shown in Column (3), indicate, by footnote or otherwise, the amount known to be shares with respect to which such listed beneficial owner has the right to acquire beneficial ownership as specified in Rule 13d-3(d)(1) [17 CFR 240.13d-3(d)(1)] under the Act.

(1)	(2)	(3)	(4)
Title of class	Name and address of beneficial owner	Amount beneficially owned	Percent of class

(b) Furnish the following information, as of the most recent practicable date, in substantially the tabular form indicated, as to each class of equity securities of the registrant or any of its parents or subsidiaries, other than directors' qualifying shares beneficially owned by all directors and officers of the registrant as a group, without naming them. Show in Column (2) the total number of shares beneficially owned and in Column (3) the percent of class so owned. Of the number of shares shown in Column (2), indicate, by footnote or otherwise, the amount of shares with respect to which such persons have the right to acquire beneficial ownership, as specified in Rule 13d-3(d)(1) under the Act.

(1)	(2)	(3)
Title of class	Amount beneficially owned	Percent of class

(c) Describe any arrangements, known to the registrant, including any pledge by any person of securities of the registrant or any of its parents, the operation of which may at a subsequent date result in a change in control of the registrant.

Instructions. 1. If the registrant's outstanding voting securities are in bearer form, a statement to that effect should be included together with as much information as the registrant is able to provide in response to paragraph (a). If the registrant is otherwise directly or indirectly controlled by another corporation or by any foreign government, the identity of such controlling corporation or government should be disclosed together with a brief description of the nature of such control.

2. If, to the knowledge of the registrant, more than 5 percent of any class of voting securities of the registrant are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

3. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the registrant or its subsidiaries; however, such calculations may be made on the basis of outstanding securities plus securities deemed outstanding pursuant to Rule 13d-3(d)(1) under the Act provided appropriate disclosure is made as to the method of calculating.

4. For the purposes of this item, beneficial ownership shall be determined in accordance with Rule 13d-3 under the Act [17 CFR 240.13d-3].

5. For purposes of furnishing information pursuant to paragraph (a), the registrant may indicate the source and date of such information. When applicable, the registrant shall be deemed to know the contents of any statement filed with the Commission pursuant to Section 13(d) of the Act. A registrant may rely upon information set forth in such statements unless the registrant knows or has reason to believe that such information is not complete or accurate or that a statement or amendment should have been filed and was not.

6. Where more than one beneficial owner is know to be listed for the same securities, appropriate disclosure should be made to avoid confusion.

7. Paragraph (c) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the registrant.

ITEM 6. DIRECTORS AND EXECUTIVE OFFICERS

(a) List the names and ages of all directors and executive officers of the registrant and all persons chosen to become directors or executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as director and/or as executive officer and the period during which he has served as such; and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director or executive officer.

Instructions. 1. Do not include arrangements or understanding with directors or executive officers of the registrant acting solely in their capacities as such.

2. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration of finance) or any other person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the registrant, such persons should be identified and their back-

ground disclosed to the same extent as in the case of executive officers.

(b) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(c) Give a brief account of the business experience during the past five years of each director and each executive officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the registrant or a subsidiary of the registrant or a director has been on the registrant's board for less than five years, a brief explanation should be inclunded as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of that individual's prior experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) Describe any of the following events which occurred during the past ten years and which are material to an evaluation of ability and integrity of any director or executive officer of the registrant:

(1) A petition under any bankruptcy, insolvency or similiar laws was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court or similar authority for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within 2 years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or

(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of any regulatory authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity or to be associated with persons engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (d) has occurred but information in regard thereto is omitted on the ground that it is not material, the registrant shall furnish, as supplemental information and not as part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.

ITEM 7. REMUNERATION OF DIRECTORS AND OFFICERS

Preliminary Instruction. This item requires information with respect to remuneration, retirement and other similar benefits paid or accrued for or proposed to be paid in the future to certain designated officers and directors on an individual basis. To the extent that such information on an individual basis is not required to be disclosed publicly by any applicable foreign laws or regulations or by stock exchange requirements and such information is not otherwise disclosed publicly, this item may be complied with by (1) identifying each of the persons designated in the item without specifying their individual payments, (2) indicating the aggregate payments made or accrued to the group identified in (1) above and (3) indicating the aggregative payments paid or accrued to all directors and officers as a group.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to the following persons for services in all capacities:

(1) Each director of the registrant whose aggregate direct remuneration exceeded $40,000, and each of the three highest paid officers of the registrant whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the registrant as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. 1. Except as provided in Instruction 2, paragraph (a)(1) of this item applies to any person who was a director or officer of the registrant at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer of the registrant.

2. In the first registration statement filed on this form for the registration of securities of an issuer pursuant to Section 12 of the Act, paragraph (a)(1) of this item does not apply to any person who is not a director or officer of the registrant at the time the statement is filed, provided the same information is not otherwise required to be disclosed in any other material filed with the Commission.

3. The information is to be given on an accrual basis if practicable. The tables required by this paragraph and paragraph (b) may be combined if the registrant so desires.

4. Do not include remuneration paid to a partnership in which any director or officer was a partner, but see Item 9.

5. If the registrant has not completed a full fiscal year since its organization or if it acquired or is to acquire the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments, if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of profits, it will suffice to state such percentage without estimating the amount of such profits to be paid.

6. If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, briefly describe the plan and the basis upon which directors or officers participate therein. See Instruction 1 to paragraph (b) for the meaning of the term "plan."

(b) Furnish the following information in substantially the tabular form indicated as to all annuity, pension or retirement benefits proposed to be paid to the following persons in the event of retirement at normal retirement date pursuant to any existing plan provided or contributed to by the registrant or any of its subsidiaries:

(1) Each director or officer named in answer to paragraph (a)(1), naming each such person.

(2) All directors and officers of the registrant who are eligible for such benefits, as a group, stating the number of persons in the group without naming them.

(A) Name of individual or number of persons in group	(B) Amount set aside or accrued during registrant's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.

3. The information called for by Column (C) may be given in the form of a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

4. In the case of any plan (other than those specified in Instruction 2) where the amount set aside each year depends

upon the amount of earnings of the registrant or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

(c) Describe briefly all remuneration payments (other than accrued payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the registrant or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the registrant as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect to such payments shall be stated, together with an explanation of the basis for future payments.

ITEM 8. MANAGEMENT OPTIONS TO PURCHASE SECURITIES

Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries held by any of the following persons: (i) each director named in answer to paragraph (a)(1) of Item 7, naming each such person; and (ii) all directors and officers of the registrant as a group, without naming them.

(a) the title and amount of securities called for;

(b) the option prices, expiration dates, and other material provisions;

(c) any consideration received for the granting thereof;

(d) the market value of the security on the date of grant.

Instructions. 1. The Preliminary Instruction to Item 7 is applicable to this item.

2. The term "options" as used in this term includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

3. The extension, regranting or material amendment of options shall be deemed the granting of options within the meaning of this item.

4. Where the total market value of securities called for by all outstanding options does not exceed $10,000 for any person required to be named, or $40,000 for all directors and officers as a group, or for all option holders as a group, this term need not be answered with respect to such person or group.

5. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and prices.

ITEM 9. INTEREST OF MANAGEMENT AND OTHERS IN CERTAIN TRANSACTIONS

Preliminary Instruction. With respect to annual reports, information relating to these transactions shall be furnished in accordance with the provisions of Item 9, except that the information may be limited to the period since the beginning of the last fiscal year up to the latest practicable date.

(a) Describe briefly any transactions during the last three years or any presently proposed transactions, to which the registrant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the registrant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the registrant;

(2) Any security holder named in answer to Item 5(a);

(3) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant.

Instructions. 1. This Item 9(a) applies to any person who held any of the positions of relationships specified at any time during the period specified. However, information need not be given for any portion of the period during which such person did not hold any such position or relationship.

2. No information need be given in response to this Item 9(a) as to any remuneration or other transaction reported in response to Items 7 or 8, or as to any transaction with respect to which information may be omitted pursuant to Instruction 2 to Item 7(b), the Instruction to Item 7(c), or Instruction 2 or 3 to Item 9(b).

3. No information need be given in answer to this Item 9(a) as to any transaction where—

(a) the rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services at rates or charges fixed in conformity with law or governmental authority;

(b) the transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture or similar services;

(c) the amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000; or

(d) the interest of the specified person arises solely from the ownership of securities of the registrant and the specified person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class.

4. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the registrant or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 9(a) where—

(a) the interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (3) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) the interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (3) above had an interest of less than 10 percent; or

(c) the interest of such person arises solely from the holding of an equity interest (including a limited partnership interest, but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

5. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

6. In describing any transaction involving the purchase or sale of assets by or to the registrant or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

7. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item.

(b) State as to each of the following persons who was indebted to the registrant or its subsidiaries at any time during the last three years (i) the largest aggregate amount of indebtedness outstanding at any time during such period, (ii) the nature of the indebtedness and

of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest practicable date, and (iv) the rate of interest paid or charged thereon:

(1) Each director or officer of the registrant; and

(2) Each associate of any such director or officer.

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. This paragraph does not apply to any person whose aggregate indebtedness did not exceed $10,000 or one percent of the registrant's total assets, whichever is less, at any time during the period specified. Exclude in the determination of the amount of indebtedness all amounts due from the particular person for purchases subject to usual trade terms, for ordinary travel and expense advances and for other transactions in the ordinary course of business.

3. Notwithstanding Instruction 2, if the registrant or any of its subsidiaries is engaged primarily in the business of making loans and loans to any of the specified persons in the excess of $10,000 or one percent of its total assets, whichever is less, were outstanding at any time during the period specified, such loans shall be disclosed. However, if the lender is a bank, such disclosure may consist of a statement if such is the case, that the loans to such persons (i) were made in the ordinary course of business, (ii) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (iii) did not involve more than normal risk of collectibility or present other unfavorable features.

(c) Describe briefly any transactions during the last three years or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the registrant, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the registrant, the nature of his interest in the treatment and, where practicable, the amount of such interest:

(1) Any director or officer of the registrant;

(2) Any security holder named in answer to Item 5(a);

(3) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant; or

(4) The registrant or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4 and 5 to paragraph (a) of this item shall apply to paragraph (c) of this item.

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to paragraph (c) with respect to—

(a) payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the registrants' last fiscal year from the registrant and its subsidiaries; or

(c) any interest of the registrant or any of its subsidiaries which arises solely from its general interest in the success of the plan.

(d) If the registrant was organized within the past five years, furnish the following information :

(1) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options or rights of any kind) received or to be received by each promoter directly or indirectly from the registrant, and the nature and amount of any assets, services or other consideration therefor received or to be received by the registrant .

(2) As to any assets acquired or to be acquired by registrant from a promoter, state the amount at which acquired or to be acquired and the principle followed or be followed in determining the amount. Identify the persons making the determination and state their relationship, if any, with the registrant or any promoter. If the assets were acquired by the promoter within two years prior to their transfer to the registrant, state the cost thereof to the promoter.

ITEM 10. LEGAL PROCEEDINGS

Preliminary Instruction. With respect to annual reports, information relating to pending litigation shall be furnished in accordance with the provisions of Item 10, except that the report should include also a description of the disposition of any previously reported litigation which occurred during the last fiscal year.

Briefly described any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any material proceedings to which any director, officer or affiliate of the registrant, any security holder named in answer to Item 5(a), or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the registrant or any of its subsidiaries shall also be described.

4. Notwithstanding the foregoing, administrative or judicial proceedings arising under United States Federal, State or local provisions which have been enacted or adopted regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; provided however, that such proceedings which are similar in nature may be grouped and described generically stating: the number of such issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.

ITEM 11. NATURE OF TRADING MARKET

As to each class of securities to be registered, indicate briefly the nature and extent of the principal non-United States trading market for such securities. As to each class of securities to be registered pursuant to Section 12(g), indicate also the nature of the trading market in the United States, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the past three years. If practicable, indicate what proportion of the outstanding securities in each such class is held in the United States and the number of record holders thereof in the United States.

Instructions. 1. In furnishing high and low bid prices in the United States, the

registrant may rely on quotations published in publications of national circulation, provided the source of the information is identified. If the principal market makers are not known, it will suffice to names three market makers which are believed to be actively engaged in making a market in the securities.

2. If the registrant's outstanding equity securities of the class being registered are wholly or partially in bearer form, the response to this item should so indicate together with as much information as the registrant is able to provide with respect to security holdings in the United States.

3. If the securities being registered trade in the United States in the form of American Depositary Receipts or similar certificates, the response to this item should so indicate together with the name of the depositary issuing such receipts and the number of shares or other units of the underlying security representing the trading unit in such receipts. If the primary market in the United States involves the American Depositary Receipts, the market price information specified in this item should relate to that market.

ITEM 12. RECENT SALES OF UNREGISTERED SECURITIES

Furnish the following information as to all securities of the registrant sold by the registrant in the United States or its Territories within the past three years, or presently proposed to be sold therein, which were not, or are not to be, registered under the Securities Act of 1933. Include sales of reacquired securities as well as new issues, securities issued in exchange for property, services, or other securities, and new securities resulting from the modification of outstanding securities:

(a) Give the date of sale and the title and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the registrant.

(d) Indicate the section of the Act or the Rule of the Commission under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available.

Instructions. 1. Information need not be set forth as to notes, drafts, bills of exchange or banker's acceptances which mature not later than one year from the date of issuance.

2. If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

ITEM 13. CAPITAL STOCK TO BE REGISTERED

If capital stock is to be registered, state the title of the class and furnish the following information:

(a) Outline briefly (i) dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) pre-emptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restrictions, so state.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

ITEM 14. DEBT SECURITIES TO BE REGISTERED

If debt securities are to be registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to each lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation of any ratio of assets, the creation or maintenance or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

(e) The name and address of the trustee and the nature of any material relationship with the registrant or any of its affiliates, the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may required before proceeding to enforce the lien.

(f) The names and addresses of paying agents.

(g) The currency or currencies in which payable and, if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(h) The provisions of any law or decree determining the extent to which the securities of the issuer may be serviced.

(i) The circumstances concerning any failure to pay principal, interest, or any sinking or amortization installment.

Instructions. 1. The instructions to Item 13 shall also apply to this item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described in answer to paragraph (d).

3. If the securities to be registered are guaranteed, state the name of the guarantor and briefly outline the contract of guarantee.

ITEM 15. OTHER SECURITIES TO BE REGISTERED

If securities other than capital stock or long-term debt are to be registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 13 shall also apply to this item.

ITEM 16. EXCHANGE CONTROLS AND OTHER LIMITATIONS AFFECTING SECURITY HOLDERS

(a) Describe briefly any governmental laws, decrees or regulations in the country in which the registrant is organized relating to restrictions on the export or import of capital, including but not limited to foreign exchange controls, affecting the remittance of dividends, interest and other payments to nonresident holders of the registrant's securities.

(b) As to each class of securities to be registered hereunder, state whether there are any limitations, either by the law of the country under which the registrant is organized or in the charter or other constituent document of the registrant, on the right of foreigners to hold or vote the securities. Outline briefly any such limitations.

ITEM 17. TAXATION

Outline briefly all taxes, including withholding provisions, to which United States security holders are subject under existing laws and regulations of the foreign country of origin. A brief description of pertinent provisions of any reciprocal tax treaties between such foreign country and the United States regarding withholding should be included. If there are no such treaties, so state.

ITEM 18. INDEMNIFICATION OF DIRECTORS AND OFFICERS

State the general effect of any charter provisions, bylaw, contract, arrangement or statute under which any director or officer of the registrant is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

NOTE.—Items 19 through 26 are required to be responded to only in annual reports on this form.

ITEM 19. CHANGES IN SECURITIES AND CHANGES IN SECURITY FOR REGISTERED SECURITIES.

General Instruction. No response to this item is required if the information called for herein has been previously reported in a report on Form 6–K.

(a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon payment of dividends are to be reported hereunder.

(c) If there has been a material withdrawal or substitution of assets securing any class of registered securities of the registrant, furnish the following information:

1. Give the title of the securities.

2. Identify and describe briefly the assets involved in the withdrawal or substitutions.

3. Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This paragraph need not be answered when the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939.

(d) If the trustees or paying agents for any registered securities have changed during the last fiscal year, furnish the names and addresses of the new trustees or paying agents.

ITEM 20. DEFAULTS UPON SENIOR SECURITIES

General Instruction. No response to this item is required if the information called for herein has been previously reported in a report on Form 6–K.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends state the amount and the total arrearage on the date of filing this report.

Instruction. Item 20 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

ITEM 21. INCREASES AND DECREASES IN OUTSTANDING SECURITIES AND INDEBTEDNESS

General Instruction. The information called for herein shall be given as to each "security" as defined in Section 2(1) of the Securities Act of 1933. If the information called for has been previously reported on Form 6–K, it may be incorporated by a specific reference to the previous filing.

(a) Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(1) The title of the class of securities involved;

(2) The date of the transactions;

(3) The amount of securities involved and whether an increase or decrease; and

(4) A brief descripion of the transaction in which the increase or decrease occured. If previously reported, the description may be incorporated by a specific reference to the previous filing.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for the previous year. The exercise of outstanding options or warrants (separately by class or type of option or warrant), conversions of previously issued convertible securities (separately by class of security) and the issuance of options may be grouped together showing the dates between which all such transactions occurred. If the information called for has been previously reported on Form 6–K it may be incorporated by a specific reference to the previous filing.

(b) Increases and decreases in the amount outstanding of debt securities and indebtedness which were previously reported in reports on Form 6–K should be listed and briefly discussed with appropriate cross references to the earlier disclosure.

(c) If the amount of debt securities or indebtedness outstanding has been increased or decreased through one or more transactions, and the aggregate amount of all such increases or decreases not previously reported exceed 5% of the outstanding securities or indebtedness of the affected class, furnish the following information:

(1) Title of class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date);

(2) A brief description of the transaction or transactions resulting in the change;

(3) If an increase in securities or indebtedness is reported, furnish: (i) a statement of the aggregate net cash proceeds or the nature and aggregate amount of any consideration received or to be received by the registrant; (ii) the names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the registrant; and (iii) a reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amount used or to be used for each such purpose;

(4) If a decrease in securities or indebtedness is reported, a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the registrant in connection with such transaction or transactions.

(d) Furnish the following information as to all securities of the registrant sold by the registrant in the United States or its Territories within the past fiscal year which were not registered under the Securities Act of 1933. Include sales of the registrant's reacquired securities as well as new issues, securities issued in exchange for property, services or other securities, and new securities resulting from the modification of outstanding securties.

(1) Give the date of sale, and the title and amount of the registrant's securities sold.

(2) Give the market price on the date of sale, if applicable.

(3) Give the names of the brokers, underwriters or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold.

(4) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the registrant.

(5) Indicate the Section of the Act or Rule of the Commission under which exemption from registration was claimed

and state briefly the facts relied upon to make the exemption available.

(6) State whether the securities have been legended and stop-transfer instructions given in connection therewith, and if not, state the reasons why not.

ITEM 22. SUBMISSION OF MATTERS TO A VOTE OF SECURITY HOLDERS

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information if not previously disclosed in a report on Form 6-K:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

4. If the registrant has published a report containing all of the information called for by the item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

ITEM 23. ACQUISITION OR DISPOSITION OF ASSETS

General Instruction. No response to this item is required if all of the information called for herein has been reported previously in a report on Form 6-K.

If the registrant or any of its majority-owned subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, since the beginning of the last fiscal year, furnish the following information:

(a) the date and manner of the acquisition or disposition and a brief description of the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the person(s) from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such person(s) and the registrant or any of its affiliates, any director or officer of the registrant, or any associate of any such director or officer.

(b) If any assets so acquired by the registrant or its subsidiaries constitute plant, equipment or other physical property, state the nature of the business in which the assets were used by the person(s) from whom acquired and whether the registrant intends to continue such use or intends to devote the assets to other purposes, indicating such other purposes.

Instructions. 1. If the information specified in this Item 23 is furnished in whole or in part in the response to Item 1, such information may be incorporated by reference herein.

2. No information need be given as to (i) any transaction between any person and any wholly-owned subsidiary of such person; (ii) any transaction between two or more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

3. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided, that such term does not include the construction or development of property by or for the registrant or its subsidiaries or the acquisition of materials for such purpose. The term "disposition" includes every sale, disposition by lease, exchange, merger, consolidation, mortgage, or hypothecation of assets, assignment, whether for the benefit of creditors or otherwise, abandonment, destruction, or other disposition.

4. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition of disposition of control of such assets.

5. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the registrant's and its other subsidiaries' equity in the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries, (ii) if it involved the succession to or disposition of a business which would meet the test of a significant subsidiary, or (iii) if it involved the acquisition or disposition of an interest in a business which would meet the rest of a significant subsidiary and would be required to be accounted for by the equity method.

6. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given; otherwise it will suffice to identify in an appropriate manner the class of such persons.

ITEM 24. CHANGES IN REGISTRANT'S CERTIFYING ACCOUNTANT

General Instruction. No response to this item is required if all of the information called for herein has been reported previously in a report on Form 6-K.

If since the beginning of the last fiscal year an independent accountant who was previously engaged as the principal accountant to audit the registrant's financial statements resigns (or indicates he declines to stand for relection after the completion of the current audit) or is dismissed as the registrant's principal accountant, or another independent accountant is engaged as principal accountant, or if an independent accountant on whom the principal accountant expressed reliance in his report regarding a significant subsidiary resigns (or formally indicates he declines to stand for re-election after the completion of the current audit) or is dismissed or another independent accountant is engaged to audit that subsidiary:

(a) State the date of such resignation (or declination to stand for re-election), dismissal or engagement.

(b) State whether in connection with the audits of the two most recent fiscal years and any subsequent interim period preceding such resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his report to the subject matter of the disagreement(s); also, describe each such disagreement. The disagreements required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this rule are those which occur at the decision-making level; i.e., between personnel of the registrant responsible for presentation of its financial statement and personnel of the accounting firm responsible for rendering its report.

(c) State whether the principal's accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainty, audit scope, or accounting principles; also describe the nature of each such adverse opinion, disclaimer of opinion or qualification.

(d) The registrant shall request the former accountant to furnish the registrant with a letter addressed to the Commission stating whether he agrees with the statement made by the registrant in response to this item, and, if not, stating

the respects in which he does not agree. The registrant shall file a copy of the former accountant's letter as an exhibit with all copies of the Form 6–K required to be filed or with all copies of the Form 20–F required to be filed as appropriate.

ITEM 25. REPORTS ON FORM 6–K

If any reports on Form 6–K have been filed during the past fiscal year, indicate with respect to each such report:

(a) the date of the report;

(b) the nature of the event or events reported therein and

(c) the nature of any financial statements filed therewith.

ITEM 26. FINANCIAL STATEMENTS AND EXHIBITS

(a) List separately all financial statements filed as part of the registration statement or annual report.

(b) List all exhibits filed as part of the registration statement or annual report, including those incorporated by reference.

Instructions. 1. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See Rule 12b–23.

2. See the Instructions as to Exhibits herein.

SIGNATURES

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement [annual report] to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

(Signature) *

Date ---

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer registering securities on this form shall file as part of its registration statement the financial statements, schedules and accountants' certificates which would be required to be filed if the registration statement were filed on Form 10 [17 CFR 249.210]. Any material variation in accounting principles or practices from those generally followed in the United States or from the form and content of financial statements prescribed in Regulation S–X shall be disclosed and, to the extent practicable, the effect of each such variation given.

2. Every issuer an annual report on this form shall file as a part of its report the financial statements, schedules and accountants' certificate which would be required to be filed if the report were filed on Form 10–K [17 CFR 249.310]. Any material variation in accounting principles or practices from those generally followed in the United States or from the form and content of financial statements prescribed in Regulation S–X shall be disclosed and, to the extent practicable, the effect of each such variation given.

3. The Commission may, upon the request of the registrant and where consistent with the public interest and the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefore of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

INSTRUCTION AS TO EXHIBITS

A. REGISTRATION STATEMENTS

Subject to Rule 12b–32 [17 CFR 240.12b–32] regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement. A list of such exhibits appropriately lettered or numbered for convenient reference should be included. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits.

1. Copies of the charter and bylaws or instruments corresponding thereto as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 1, 10 or 12.

3. (a) Specimens or copies of all securities to be registered hereunder, and copies of all constituent instruments defining the right of holders of long-term debt of the registrant and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not to be registered hereunder if the total amount of securities authorized thereunder does not exceed 5 percent of the total assets of the registrant and its subsidiaries on a consoliated basis and if there is filed an agreement to furnish a copy of such instrument to the Commission upon request, (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the registrant of the securities to be registered, or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. (a) Copies of all material plans setting forth the terms and conditions upon which options, warrants or rights to purchase securities from the registrant or any of its subsidiaries have been or may be granted. If any such plan is not set forth in a written document, a reasonably detailed written description of the terms and conditions thereof, or specimen copies of the options, warrants or rights setting forth the terms and conditions shall be filed.

(b) The term "plan" as used herein includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document but does not include warrants or rights issued to security holders as such on a pro rata basis.

5. (a) Copies of all material bonus, profit sharing, pension, retirement or deferred compensation plans provided for the benefit of directors, officers or employees of the registrant or any of its subsidiaries. If any such plan is not set forth in a written document, furnish a reasonably detailed written description thereof. Copies of any available booklet or other written description of any such plan shall also be filed.

(b) The definition of the term "plan" in Instruction of 4(b) above shall also apply to this instruction. This instruction does not relate to (1) any ordinary purchase and sales agency agreement, (2) any agreement with managers of stores in a chain store organization or similar organization or (3) any contract providing for labor or salesmen's bonsuses.

6. Copies of any voting trust agreement referred to in answer to Item 5.

7. If any discount on capital shares is shown as a deduction from capital shares on the balance sheet being filed for the registration, there shall be filed a statement of the circumstances under which such discount arose and an opinion of counsel as to the legality of the issuance of the shares to which such discount relates. The opinion shall set forth any applicable legal or administrative provisions nad shall cite any decisions which in the opinion of counsel are controlling.

8. If the registrant has any shares the preference of which upon involuntary liquidation exceeds the par or stated value thereof, there shall be filed an opinion of counsel as to whether there are any restrictions upon surplus by reason of such excess and also as to any remedies available to security holders before or after payment of any dividend that would reduce surplus to an amount less than the amount of such excess. The opinion shall set forth any applicable legal or administrative provisions and shall cite any decision which in the opinion of counsel are controlling.

9. (a) Copies of every contract material to an industry segment and not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement or which was made not more than two years before filing, except contracts called for, or the omission of which, is expressly authorized by the

* Print the name and title of the signing officer under this signature.

foregoing instructions. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment, or in which the registrant or such subsidiary has a beneficial interest. See Rule 24b–2 [17 CFR 240.24b–2] for the procedure to be followed in requesting confidential treatment of information required to be filed under the Act.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance.

(1) Directors, officers, promoters, voting trustees, or security holders named in answer to Items 5, 6, or 9(d) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price;

(2) It is of such materiality as to call for specific reference to it in answer to Items 1, 3 or 9.

(3) The registrant's business is substantially dependent upon it, as in the case of continuing contracts to sell the major part of registrant's production in the case of a manufacturing enterprise or to purchase the major part of registrant's requirements of goods in the case of a distribution enterprise, or licenses to use a patent or formula upon which registrant's business depends to a material extent;

(4) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its subsidiaries;

(5) It is a lease under which a material part of the property described under Item 3 is held by the registrant; or

(6) The amount of the contract, or its importance to the business of the registrant and its subsidiaries, are material, and the terms and conditions are of a nature of which investors reasonably should be informed.

10. A copy of any law, decree or regulation outlined in answer to Item 16.

11. Copies of the exhibits called for by Instructions 3 and 4(d) of Item 2.

12. Upon request of the Commission, copies of each material foreign patent for an invention not covered by a United States patent.

GENERAL INSTRUCTIONS

B. ANNUAL REPORTS

Subject to Rule 12b–32 regarding the incorporation of exhibits by reference, the following exhibits shall be filed as part of the report.

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all contracts and other documents of a character required to be filed as an exhibit to an original registration statement which were executed or in effect during the fiscal year and not previously filed See Rule 24b–2 for the procedure to be followed in requesting confidential treatment of information required to be filed.

3. Copies of the exhibits called for by Instructions 3, 4(d) and 5 to Item 2.

4. Copies of the amendments to all constituent instruments and other documents referred to in Item 19.

5. Copies of all constituent instruments defining the rights of the holders of any new class of securities deferred to in response to Item 21(c).

6. Copies of the text of any proposal described and copies of any report furnished in response to Item 22.

7. Copies of any plan of acquisition or disposition described in the response to Item 23, including any plan of reorganization, readjustments, exchange, merger, consolidation or succession in connection therewith.

8. Letters from the independent accountants referred to in Item 24.

SUPPLEMENTAL INFORMATION TO BE FURNISHED WITH ANNUAL REPORTS FILED ON THIS FORM

(A) Every registrant which files an annual report on this form shall furnish to the Commission for its information, if not previously furnished, at the time of filing its report on this Form, four copies of the following:

(1) Any annual report to stockholders covering the registrant's last fiscal year; and

(2) Every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's stockholders with respect to any annual or other meeting of stockholders.

(B) If any annual report to security holders or proxy material furnished hereunder is in a foreign language, it shall be accompanied by a translation into the English language.

(C) The foregoing material shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of Section 18 of the Act, except to the extent that the registrant specifically incorporates it in its annual report on this form for reference.

(D) If such report or proxy material is to be furnished to stockholders subsequent to the filing of the annual report on this form, the registrant shall so state and shall furnish copies of such material to the Commission when it is sent to stockholders.

APPENDIXES

APPENDIX A—DEFINITIONS AND GUIDELINES FOR COMPLIANCE WITH INDUSTRY AND HOMOGENEOUS GEOGRAPHIC SEGMENT REPORTING REQUIREMENTS

The definitions and guidelines set forth below are relevant to the segment reporting requirements of the business item of this form:

DEFINITIONS

Certain terms are defined as follows:

1. Segment. An industry segment or a homogeneous geographic segment.

2. Industry segment. A component of the business of a registrant and its subsidiaries (hereinafter registrant) engaged in providing a product or service or a group of related products or services primarily to unaffiliated customers (i.e., customers outside the registrant) for a profit.[1] Disaggregation of the vertically integrated operations of a registrant is not required.

3. Foreign operations. Those revenue-producing operations (except for unconsolidated subsidiaries and other unconsolidated investees) that (a) are located outside of the registrant's home country (the United States for U.S. enterprises)[2] and (b) are generating revenue either from sales to unaffiliated customers or from intraenterprise sales or transfers between geographic areas.[3]

4. Homogeneous geographic segments. Domestic operations, in the aggregate, and foreign operations, either in the aggregate or, if appropriate, by geographic areas.

5. Domestic operations. Those revenue-producing operations of the registrant located in its home country that generate revenue either from sales to unaffiliated customers or from intraenterprise sales or transfers between geographic areas. Sales to unaffiliated customers include both (a) sales to customers within the registrant's home country and (b) sales to customers in foreign countries.

6. Export sales. Sales to customers in foreign countries.

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[1] In some industries, it is normal practice for a company to purchase and sell substantially identical commodities to minimize transporting or other costs. In those situations, sales and purchases of substantially identical commodities shall be netted for the purpose of determining whether a product or service or a group of related products or services is sold primarily to unaffiliated customers. Although those sales and purchases are netted for the purpose of identifying an industry segment, it is not intended that this rule change a registrant's accounting practice with respect to determining its revenue or that of any of its industry segments.

[2] A registrant whose home country is other than the United States but that prepares financial statements in conformity with U.S. generally accepted accounting principles shall classify operations outside of its home country as foreign operations.

[3] Difficulties may arise in classifying the activities of certain types of registrants. The following examples may provide useful guidelines: (1) Determination of whether the employment of a registrant's mobile assets, such as offshore drilling rigs or ocean-going vessels, constitutes foreign operations should depend on whether such assets are normally identified with operations located and generating revenue from outside the home country. If they are normally identified with the registrant's foreign operations, revenue generated from abroad would be considered foreign revenue. If they are normally identified with domestic operations, revenue generated from abroad would be considered export sales; (2) Services rendered by the foreign offices of a service company such as a consulting firm, having offices or facilities located both in the home country and in foreign countries, would be considered foreign operations, and the revenue should be considered foreign revenue. Revenue generated abroad from services, provided by domestic offices should be considered export sales.

7. Reportable segment. An industry or a homogeneous geographic segment (or, in certain cases, a group of two or more closely related segments—see paragraph 19) for which information is required to be reported by Item 1 of this form.

8. Revenue. The revenue of an industry or homogeneous geographic segment includes revenue both from sales and transfers to unaffiliated customers (i.e., revenue from customers outside the business as reported in the registrant's income statement) and from intersegment or intraenterprise sales or transfers, if any, of products and services similar to those sold to unaffiliated customers.[4] Interest from sources outside the business and interest earned on intersegment or intraenterprise trade receivables is included in revenue if the asset on which the interest is earned is included among the segment's identifiable assets (see paragraph 10), but interest earned on advances or loans to other segments is not included.[5] For purposes of this Item, revenue from intersegment or intraenterprise sales or transfers shall be accounted for on the basis used by the registrant to price the intersegment or intraenterprise sales or transfers. If the basis is changed, disclosure shall be made of the nature of the change and its effect on the reportable segment's operating profit or loss in the period of change.

9. Operating profit or loss. The operating profit or loss of an industry segment is its revenue as defined in paragraph 8 minus all operating expenses. As used herein, operating expenses include expenses that relate to both revenue from sales to unaffiliated customers and revenue from intersegment sales or transfers; those operating expenses incurred by registrant shall be allocated on a reasonable basis among the industry segments for whose benefit the expenses were incurred. Methods used to allocate operating expenses among segments in computing operating profit or loss should be reasonable and consistently applied from period to period (but, if changed, disclosure shall be made of the nature of the change and its effect on the reportable segment's operating profit or loss in the period of change). For purposes of this Item, intersegment purchases shall be accounted for on the same basis as intersegment sales or transfers (i.e., on the basis used by the registrant to price the intersegment sales or transfers). None of the following shall be added or deducted, as the case may be, in computing the operating profit or loss of an industry segment: revenue earned at the corporate level and not derived from the operations of any industry segment; general corporate expenses;[6] interest expenses;[7] domestic and foreign income taxes; equity in income or loss from unconsolidated subsidiaries and other unconsolidated investees; gain or loss on discontinued operations; extraordinary items; minority interest; and the cumulative effect of a change in accounting principles.

10. Identifiable assets. The identifiable assets of a segment are those tangible and intangible enterprise assets that are used by the segment, including (i) assets that are used exclusively by that segment and (ii) an allocated portion of assets used jointly by two or more segments. Assets used jointly by two or more segments shall be allocated among the segments on a reasonable basis. Because the assets of a segment that transfers products or services to another segment are not used in the operations of the receiving segment, no amount of those assets shall be allocated to the receiving segment. Assets that represent part of a registrant's investment in a segment, such as goodwill, shall be included in the segment's identifiable assets.[8] The identifiable assets of a segment shall not include advances or loans to or investments in another segment, except that advances or loans to or investments in another segment, except that advances or loans to other segments shall be included in the identifiable assets of a financial indsutry segment because the income therefrom is included in computing the financial segment's operating profit and loss (see footnote 5). Asset valuation allowances such as the following shall be taken into account in computing the amount of a segment's identifiable assets: allowance for doubtful accounts, accumulated depreciation, and marketable securities valuation allowance. With respect to industry segments, assets maintained for general corporate purposes (i.e., those not used in the operations of any industry segment) shall not be allocated to industry segments.

Determination of Reportable Industry Segments

11. The reportable segments of a registrant shall be determined by (a) identifying the individual products and services from which the registrant derives its revenue, (b) grouping those products and services by industry lines into industry segments (se paragraph 12–14), and (c) selecting those industry segments that are significant with respect to registrant as a whole (see paragraphs 16–19).

12. The determination of a registrant's industry segments must depend to a considerable extent on the judgment of the registrant's management. Nevertheless, a registrant's existing profit centers represent a logical starting point for determining the industry segments. The term "profit center" is used to refer to a registrant's individual products and services or groups of related products and services, particularly with respect to its domestic operations, that are sold primarily to outside markets and for which information about revenue and profitability is accumulated. If a registrant's existing profit centers cross industry lines, it will be necessary to disaggregate the existing profit centers into smaller groups of related products and services (except as provided in paragraph 15). If a registrant operates in more than one industry but does not presently accumulate any information on a less-than-total-enterprise basis (i.e., its only profit center is the enterprise as a whole), it shall disaggregate its operations along industry lines (except as provided in paragraph 15).

13. Among the factors that should be considered in determining whether products and services are related (and, therefore, should be grouped into a single industry segment) or unrelated (and, therefore, should be separated into two or more industry segments) are the following:

(a) The nature of the product. Related products or services have similar purposes or end uses. Thus, they may be expected to have similar rates of profitability, similar degrees of risk, and similar opportunities for growth.

(b) The nature of the production process. Sharing of common or interchangeable production or sales facilities, equipment, labor force, or service group or use of the same or similar basic raw materials may suggest that products or services are related. Likewise, similar degrees of labor intensiveness or similar degrees of capital intensiveness may indicate a relationship among products or services.

(c) Markets and marketing methods. Similarity of geographic marketing areas, types of customers, or marketing methods may indicate a relationship among products or services. For instance, the use of a common or interchangeable sales force may suggest a relationship among products or services. The sensitivity of the market to price changes and to changes in general economic conditions may also indicate whether products or services are related or unrelated.

14. Broad categories such as manufacturing, wholesaling, retailing, and consumer products are not per se indicative of the industries in which a registrant operates, and those terms should not be used without identification of a

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[4] Intersegment billings for the cost of shared facilities or other jointly incurred costs do not represent intersegment sales or transfers as that term is used in this item.

[5] Interest earned on advances or loans to other segments is included in computing the operating profit or loss of a segment whose operations are principally of a financial nature (e.g., banking, insurance, leasing, or financing).

[6] Some of the expenses incurred in a registrant's central administrative office may not be general corporate expenses, but rather may be operating expenses of segments that should therefore be allocated to those segments. The nature of an expense rather than the location of its incurrence shall determine whether it is an operating expense. Only those expenses identified by their nature as operating expenses shall be allocated as operating expenses in computing segment's operating profit of loss.

[7] Interest expense is deducted in computing the operating profit or loss of a segment whose operations are principally of a financial nature (e.g., banking, insurance, leasing, or financing).

[8] Any related depreciation or amortization expense is deducted in determining the operating profit or loss of the segment.

product or service to describe the industry segments.

15. Industry segmentation on a worldwide basis is a desirable objective but it may be impracticable for some registrants. To the extent that revenue and profitability information is accumulated along industry lines for a registrant's foreign operations, as defined in paragraph 3, or that it would be practicable to do so, industry segments shall be determined on a worldwide basis. To the extent that it is impracticable to disaggregate part or all of its foreign operations along industry lines, the registrant shall disaggregate along industry line its domestic operations and its foreign operations for which disaggregation is practicable and shall treat the aggregate of its foreign operations for which disaggregation is not practicable as a single industry segment. When that segment qualifies as a reportable industry segment (see paragraphs 16–19), disclosure shall be made of the types of industry operations included in the foreign operations that have not been disaggregated.

16. An industry segment is identified as a reportable segment for which financial information must be presented (see paragraph 17)—if it satisfies one or more of the following tests in either of the last two fiscal years.

(a) Its revenue (including both sales to unaffiliated customers and intersegment sales or transfers) is 10 percent or more of the combined revenue (sales to unaffiliated customers and intersegment sales or transfers) of all of the registrant's industry segments.

(b) The absolute amount of its operating profit or operating loss is 10 percent or more of the greater, in absolute amount, of:

(i) The combined operating profit of all industry segments that did not incur an operating loss; or

(ii) The combined operating loss of all industry segments that did incur an operating loss.

(c) Its identifiable assets are 10 percent or more of the combined identifiable assets of all industry segments. Revenue, operating profit or loss, and identifiable assets relating to those foreign operations that have not been disaggregated along industry lines on grounds of impracticability (see paragraph 15) shall be included in computing the combined revenue, combined operating profit or operating loss, and combined identifiable assets of the registrant's industry segments.

17. The results of applying the percentage tests in paragraph 16 shall be evaluated from the standpoint of interperiod comparability before final determination of a registrant's reportable segments is made. For instance, interperiod comparability would most likely require that an industry segment that has been significant in the past and is expected to be significant in the future be regarded as a reportable segment even though it fails to satisfy the tests in paragraph 16 in either fiscal year.

18. The combined revenue from sales to unaffiliated customers of all reportable segments (that is, revenue not including intersegment sales or transfers) shall constitute at least 75 percent of the combined revenue from sales to unaffiliated customers of all industry segments. The test shall be applied separately for each of the last two fiscal years. Revenue relating to those foreign operations that have not been disaggregated along industry lines on grounds of impracticability shall be included in the denominator of the computation required by this paragraph and will be included in the numerator if those operations have been identified (in accordance with paragraphs 15 and 16) as a reportable segment. If the industry segments identified as reportable in accordance with paragraphs 16 and 17 do not satisfy the 75 percent test in this paragraph, additional industry segments shall be identified as reportable segments (subject to the provisions of this paragraph) until the 75 percent test is met.

19. As the number of industry segments that would be identified as reportable segments in accordance with paragraphs 16–18 increases above 10, the question of whether a practical limit has been reached comes increasingly into consideration, and combining the most closely related industry segments into broader reportable segments may be appropriate. Combinations shall be made, however, only to the extent necessary to contain the number of reportable segments within practical limits while still meeting the 75 percent test.

DETERMINATION OF REPORTABLE FOREIGN HOMOGENEOUS GEOGRAPHIC SEGMENTS

20. If a registrant's foreign operations are conducted in two or more geographic areas as defined in paragraph 21 the financial information required by this item shall be presented separately for each significant foreign geographic area, and in the aggregate for all other foreign geographic areas not deemed significant. A geographic area shall be regarded as significant, for the purpose of applying this paragraph, if its revenue from sales to unaffiliated customers or its identifiable assets are 10 percent or more of related consolidated amounts.

21. Foreign geographic areas are individual countries or groups of countries as may be determined to be appropriate in registrant's particular circumstances. No single method of grouping the countries in which the registrant operates into the geographic areas can reflect all of the differences among international business environments. Each registrant shall group its foreign operations on the basis of the differences that are most important in its particular circumstances. Factors to be considered include proximity, economic affinity, similarities in business environments, and the nature, scale, and degree of interrelationship of the registrant's operations in the various countries.

APPENDIX B—INDUSTRY SEGMENT REPORTING

The table set forth below is an illustration of the presentation in tabular form of the information required by paragraph (d)(1) of the business item regarding industry segments.

Financial information relating to industry segments

	Industry segment A	Industry segment B	Other industry segments	Adjustments and eliminations	Consolidations
Sales to unaffiliated customers:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Intersegment sales:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Total revenue:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Depreciation, depletion and amortization expense:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Capital expenditures:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Operating profit or loss:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Equity in net income of vertically integrated X Co.:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					

Financial information relating to industry segments—Continued

	Industry segment A	Industry segment B	Other industry segments	Adjustments and eliminations	Consolidations
Identifiable assets at end of:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Investment in net assets of vertically integrated X Co.:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					

APPENDIX C—FOREIGN AND DOMESTIC OPERATIONS

The table set forth below is an illustration of the presentation in tabular form of the information required by paragraph (e) of the business item regarding foreign and domestic operations.

	Domestic operations	Geographic area A	Geographic area B	Adjustments and eliminations	Consolidations
Sales to unaffiliated customers:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Export sales to unaffiliated customers:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Transfers between geographic areas: [1]					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Total revenue:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Operating profit or loss: [1]					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					
Identifiable assets at end of:					
Year 1					
Year 2					
Year 3					
Year 4					
Year 5					

[1] On appropriate area of domestic operations.
[2] Or some other reasonable measure of profitability.

2. Guide 1 of the Guides For The Preparation and Filing of Reports and Proxy and Registration Statements Under The Securities Exchange Act of 1934 is proposed to be amended to read as follows:

GUIDE 1. SUMMARY OF OPERATIONS

(a) The content of the summary of operations is specified in general on the instructions to the pertinent items of Forms 10, 10–K and 20–F. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a Guideline dealing specifically with all possible situations.

3. Guide 2 of the Guides For The Preparation And Filing Of Reports and Proxy and Registration Statements Under The Securities Exchange Act of 1934 is proposed to be amended to read as follows:

GUIDE 2. DISCLOSURE OF EXTRACTIVE RESERVES AND NATURAL GAS SUPPLIES

(a) Items 1(b) and 3 of Forms 10 and Items 1(c) and 3 of Form 20–F require that companies engaged in extractive operations include, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current average market price per barrel of oil, m.c.f., of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas, or tons of ore.

(b) Pursuant to Items 1(b) and 3 and of Forms 10 and 10–K and Items 1(c) and 3 of Form 20–F, companies engaged in the gathering, transmission or distribution of natural gas are required to disclose material information with respect to the current availability* of gas supplies. Each company should develop disclosure based upon the facts and circumstances of its particular situation, including, where appropriate, disclosure by areas or regions. Such disclosure should be in a form understandable to investors and should include, but not be limited to, descriptions of the following factors:

4. Guide 3 of the Guides For The Preparation And Filing of Reports and Proxy and Registration Statements Under The Securities Exchange Act of 1934 is proposed to be amended to read as follows:

GUIDE 3. STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

GENERAL INSTRUCTIONS

1. This Guide applies to the description of the business portion of bank or bank holding company registration statements filed on Forms 10 (Item 1) [17 CFR 249.210] and 20–F (Item 1) [17 CFR 249.220F], in proxy and information statements relating to mergers, consolidations, acquisitions and similar matters (Item 14 of Schedule 14A and Item 1 of Schedule 14C) [17 CFR 240.14a–101 and 240.14c–101], and in reports filed on Forms 10–K (Item 1) [17 CFR 249.310] and 20–F (Item 1).

* * * * *

6. It should be noted that this Guide in format relates to required disccloures by United States-based holding companies. Notwithstanding, the required disclosures specified in this Guide, revised as appropriate and necessary to meet individual facts and circumstances, should be furnished for foreign-based bank holding company or bank registrants. Specific reference in this respect is made to Sections II and III which for purpose of compliance therewith should be deemed to relate to the applicable foreign country or jurisdiction and to registrant's operations foreign to that country or jurisdiction, respectively.

5. The General Instructions to Form 6–K are proposed to be revised as follows:

§ 249.306 Form 6–K, report of foreign issuer pursuant to Rule 13a–16 (§ 240.13a–16 of this chapter) and 15d (§ 240.15d–16 of this chapter) under the Securities Exchange Act of 1934.

* * * * *

B. *Information and Documents Required to be Furnished*

* * * * *

The information required to be furnished pursuant to (i), (ii), or (iii) above is that which is significant with respect to the issuer and its subsidiaries concerning: changes in management or control; acquisitions or dispositions of assets; bankruptcy or receivership; changes in registrant's certifying accountants; the

*The term "availability is used herein to mean that quantity of gas which can be delivered from current sources of supply for a given future time period such as a day, a month, or a year. This term is not intended to have the same meaning as the term "deliverability" which is used by the Federal Power Commission in Form 15 Annual Reports.

financial condition and results of operations; material legal proceedings; changes in securities or in the security for registered securities; defaults upon senior securities; material increases or decreases in the amount outstanding of securities or indebtedness; the results of the submission of matters to a vote of security holders; and any other information which may be material interest to investors.

* * * * *

D. *Translation of Papers and Documents into the English Language.* Reference is made to Rule 12b–12(d) (§ 240.-12b–12(d)). The exhibits and other papers and documents furnished with or as part of reports on this form shall be in the English language. English versions or adequate summaries in the English language of any such exhibits, papers or documents may be furnished in lieu of original English translations. Copies of the original language exhibit, paper or document need not be furnished.

6. Rule 13a–16 is proposed to be revised to read as follows:

§ 240.13a–16 Reports of foreign private issuers on Form 6–K [17 CFR 249.305].

(a) Every foreign private issuer which is subject to Rule 13a–1 [17 CFR 240.13a–1] shall make reports on Form 6–K, except that this rule shall not apply to:

(1) Investment companies required to file quarterly reports pursuant to Rule 13a–12 [17 CFR 240.13a–12];

(2) Foreign private issuers not authorized to use Form 20–F [17 CFR 249.220F] for annual reports required by Rule 13a–1; or

(3) * * *

* * * * *

7. Rule 15d–16 is proposed to be revised to read as follows:

§ 240.15d–16 Reports of foreign private issuers on Form 6–K [17 CFR 249.306].

(a) Every foreign private issuer which is subject to Rule 15d–1 [17 CFR 240.-15d–1] shall make reports on Form 6–K, except that this rule shall not apply to:

(1) Investment companies required to file quarterly reports pursuant to Rule 15d–12 [17CFR 240.15d–12];

(2) Foreign private issuers not authorized to use Form 20–F [17 CFR 249.220F] for annual reports required by Rule 15d–1; or

(3) * * *

* * * * *

8. Rule 3a12–3 is proposed to be revised to read as follows:

§ 240.3a12–3 Exemption from sections 14(a), 14(b), 14(c) and 16 for securities of certain foreign issuers.

(a) Securities for which the fitting of securities on Form 18 [17 CFR 249.218] are authorized shall be exempt from the operation of sections 14 and 16 of the Act.

(b) Securities registered under Section 12 of the Act on Form 20 [17 CFR 249.220] or Form 20–F [17 CFR 249.220F] or on Form 8–A [17 CFR 249.208a] or Form 8(b) [17 CFR 249.208(b)] in lieu of Forms 20 or 20–F or for which registration on such forms were so authorized shall be exempt from the operation of section 14(a), 14(b), 14(c) and 16 of the Act except that this paragraph shall not apply if at the end of the last fiscal year of the issuer (1) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States, and (2) the business of such issuer is administered principally in the United States or 50 percent or more of the members of the Board of Directors are residents of the United States. For the purpose of this paragraph the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee or the depositary as being located in the United States.

(c) Securities registered under Section 12 of the Act on Forms 16 [17 CFR 249.216] or 19 [17 CFR 249.219] shall be exempt from the operations of sections 14(a), 14(b), 14(c) and 16 of the Act if the securities deposited pursuant to the voting trust or other agreement are so exempt pursuant to paragraph (b) of this section.

(Secs. 3, 12, 13, 15(d), 23(a), 48 Stat. 882, 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; Proc. No. 2695, 60 Stat. 1352; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 6, 28(a), 28(b), 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 11, 18, 89 Stat. 117, 118, 119, 121, 155; 15 U.S.C. 78c, 78*l*, 78m, 78*o*(d), 78w(a)).

[FR Doc.77–32367 Filed 11–9–77;8:45 am]

federal register

THURSDAY, NOVEMBER 10, 1977

PART IV

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

COMMERCIAL DIVING

Proposed Rule

[4910–14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 54 and 197]

[CGD 76–009]

COMMERCIAL DIVING REGULATION

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to issue regulations governing commercial diving operations from vessels and facilities including certificated vessels, deepwater ports, mobile offshore drilling units, artificial islands, and other fixed structures subject to Coast Guard jurisdiction. Commercial diving exposes individual divers to many hazardous situations that can and have caused marine casualties. These regulations prescribe safety and health standards for commercial diving operations.

DATES: Comments must be received on or before December 27, 1977.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/81) (CGD 76–009), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 76–009) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. All comments received during the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if such is requested in writing by an interested person desiring to comment orally at a public hearing who raises a genuine issue not brought up during the joint Coast Guard/OSHA public hearing held during December 1976 and January 1977 in New Orleans, La.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Commander Peter T. Muth, Project Manager, Office of Merchant Marine Safety and Lieutenant William R. Kerivan, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

GENERAL DISCUSSION

Approximately thirty years ago, the Coast Guard established its own internal diving program and has actively maintained an interest in diving and the diving communities. The Coast Guard participates in national standard setting activities, and national and international diving symposiums; maintains active contacts with the military, commercial, and sport and recreational diving communities; and receives and analyzes diver death and accident reports from commercial vessels and facilities under Coast Guard jurisdiction. Additionally, the Coast Guard monitors sport and recreational diving activities and has jointly funded with the National Oceanic and Atmospheric Administration the compilation of statistics and analysis of sport and recreational diver deaths and accidents. The Coast Guard also renders assistance to divers through our Rescue Coordination Centers when requested. Since 1968, the Coast Guard has actively participated and sought the development of consensus standards for the civilian diving community.

The Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) on August 11, 1975 (40 FR 33681) proposing to amend Chapter I of Title 46 of the Code of Federal Regulations (CFR) by adding a new subchapter prescribing marine occupational safety and health standards for vessels and facilities that are under Coast Guard jurisdiction. This ANPRM proposed to regulate all working conditions and work places under Coast Guard jurisdiction if they are determined to be hazardous to employees, and if the Coast Guard determines that the hazards encountered can be reduced or eliminated by the promulgation of effective regulations. This new subchapter would consist of all existing marine occupational safety regulations and all additional occupational safety and health standards covering the work places and work conditions prescribed by the Coast Guard.

The Occupational Safety and Health Administration (OSHA), Department of Labor, published in the FEDERAL REGISTER on October 22, 1975 (40 FR 49123) an announcement that they would hold an informal fact-finding hearing on commercial diving operations. The Coast Guard participated in this informal hearing that was conducted in Washington, D.C., on November 11 through 14, 1975.

On June 15, 1976, OSHA published in the FEDERAL REGISTER (41 FR 24272) a six-month Emergency Temporary Standard (ETS) for commercial diving. A Memorandum of Understanding (MOU), covering the relationship between OSHA and the Coast Guard during the period of the ETS and also during the period of development of final Coast Guard regulations for commercial diving was signed on June 9, 1976, by the Commandant of the Coast Guard and the Assistant Secretary of Labor for Occupational Safety and Health. The text of the MOU was published with the ETS (41 FR 24291). The ETS was withdrawn by OSHA on November 5, 1976 (41 FR 48969).

On July 15, 1976 the Coast Guard published an ANPRM in the FEDERAL REGISTER (41 FR 29151) stating it was considering new regulations prescribing occupational safety and health standards for commercial diving. The Coast Guard invited specific public advice and recommendations on nine enumerated areas and any general comments to assist the Coast Guard in developing new occupational safety and health regulations for commercial diving in areas of Coast Guard jurisdiction.

In August 1976, the OSHA Advisory Committee on Construction Safety and Health met to discuss materials and information relating to the occupational safety and health aspects of commercial diving operations and to make recommendations to OSHA. The Coast Guard participated in this public proceeding.

On November 5, 1976 OSHA published a notice of proposed rulemaking and notice of public hearings in the FEDERAL REGISTER (41 FR 48950), with corrections on November 12, 1976 (41 FR 50008), covering commercial diving operations. Pursuant to the MOU between the Coast Guard and OSHA, the Coast Guard published a notice in the FEDERAL REGISTER (41 FR 48969) joining OSHA in the public hearings, scheduled for December 16 through 17, 1976 in New Orleans, to receive public comments for the Coast Guard on the substance of the OSHA proposed standards. During the joint public hearings (December 16 through 21, 1976 and January 10 through 14, 1977) the Coast Guard gave the public an opportunity to comment on Coast Guard regulatory concepts that would be substantively similar to the OSHA proposed standards for commercial diving operations.

On July 22, 1977 OSHA published in the FEDERAL REGISTER (42 FR 37650) their final commercial diving standard. Under section 4(b)(1) of the Occupational Safety and Health Act of 1970, the OSHA standards do not apply to those diving operations over which the Coast Guard exercises its statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

In the development of this proposal, the Coast Guard has also met at various times beginning in 1975 with members of the National Offshore Operations Industry Advisory Committee (NOOIAC). NOOIAC submitted its recommendations to the Coast Guard on June 15, 1977. These recommendations, along with the comments received as a result of our ANPRM's and joint OSHA/CG rulemaking activities, were taken into consideration for the purpose of this proposal.

Pursuant to the MOU this proposed regulation is considered to be substantively similar to the final OSHA commercial diving standard.

DISCUSSION OF SPECIFIC PROPOSALS

The proposed regulations are generally self-explanatory. Subchapter V is based, as was stated in the Coast Guard ANPRM of August 11, 1975, on the need for putting in one place all occupational safety and health standards for maritime operations under Coast Guard jurisdiction. Subpart B of Subchapter V, Commercial Diving Operations, is a new proposed regulation and not a consolidation of existing personnel safety and health regulations.

These proposed regulations apply to commercial diving operations conducted from certain vessels and facilities including deepwater ports, mobile offshore drilling units, artificial islands, and fixed structures subject to Coast Guard jurisdiction except these regulations do not apply to commercial diving operations performed solely for marine scientific research and development purposes performed by educational institutions, to research and development for the advancement of diving equipment and technology, or to commercial diving operations performed solely for search and rescue or related public safety purposes by or under the control of a governmental agency.

This proposal does not address the qualifications of individual dive team members including the medical requirements. It is the intent of the Coast Guard to regulate commercial diving operations on vessels and facilities subject to the jurisdiction of the Coast Guard to the extent necessary to ensure an acceptable level of personnel safety and health. Because of the developing state-of-the-art of diving, the lack of agreement among divers or physicians or employers of divers on the minimum physical and mental health standards for divers, the equal lack of agreement on the minimum diver qualification requirements, and the lack of substantial evidence in the joint Coast Guard/OSHA public hearing record linking increased diver qualifications to a reduction in diving fatalities and accidents, the Coast Guard does not intend at this time to issue regulations in these areas. The Coast Guard may issue regulations in these areas as the state-of-the-art of hyperbaric medicine and of diving progresses.

The proposed standard is separated into two main areas: equipment and operations. These are further divided into equipment specifications and requirements; diving operations general; specific diving procedures; periodic tests and inspections; and records, record keeping, and casualty reporting.

The proposed regulations allow the Coast Guard to accept substitutes for equipment, materials, apparatus, arrangements, procedures, or tests required by this subpart if the substitute provides an equivalent level of safety.

The equipment specifications and equipment requirements apply to each vessel or facility conducting commercial diving operations. Nothing in this subpart amends or supersedes the requirements for the design, plan approval, construction, certification and inspection required of these vessels or facilities having installed diving systems, contained in other parts of Title 46 CFR.

A SCUBA diver is limited in the amount of work he can do because of the following equipment restrictions: A limited breathing supply, lack of voice communications with surface support personnel, and lack of monitoring or control abilities on the part of surface support personnel. It is therefore considered appropriate to establish limiting standards based on these factors. It is proposed to limit commercial SCUBA diving to a maximum depth of 130 feet of seawater (fsw) and to diving within the air no-decompression limits. Additionally, it is proposed to restrict SCUBA diving when diving against currents and when the diver can not ascend directly to the surface. Examples are diving through ice, inside wrecks and into outfalls.

Comment received on the Coast Guard's ANPRM concerning commercial diving as well as testimony received during the joint CG/OSHA rulemaking procedures is voluminous and often conflicting with regard to when a decompression (recompression) capability must be at the dive location. The Coast Guard recognizes the vast majority of inland and harbor commercial diving occurs at depths less than 130 fsw, deep-sea commercial diving presently can achieve depths of 1,500 fsw, and technology has advanced to enable dives approaching 2,000 fsw. The Coast Guard also recognizes decompression facilities involve significant capital outlays for materials, maintenance, and personnel, and that the overwhelming majority of air diving within the no-decompression limits does not require decompression equipment. Although the Coast Guard is aware that the U.S. Navy requires a decompression facility at the dive location for air dives deeper than 170 fsw, the Coast Guard proposes requiring a decompression chamber at the dive location for air dives deeper than 130 fsw or outside of the air no-decompression limits, and for mixed gas diving.

Recognizing air diving outside the no-decompression limits, mixed-gas diving, and diving deeper than 130 fsw is potentially more hazardous, additional safety precautions, such as requiring a stand-by diver, individual surface tending, more detailed record keeping, and decompression facilities at the dive location, are proposed.

ECONOMIC SUMMARY

This proposed rule has been reviewed for economic effect under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). The analysis considered the economic effect on both government and industries. In evaluating the effect on industry, the Coast Guard relied on the OSHA Inflation Impact Assessment, prepared for the OSHA proposed regulation of November 5, 1976, and on the OSHA/CG joint rulemaking record wherein the diving industry including individual employers, and professional economists and statisticians including the Council on Wage and Price Stability, presented public comment. The OSHA Inflation Impact Assessment included among other things an analysis of an expensive annual physical, automatic depth recording, diving paramedics, oxygen analyzers for decompression chambers, and statistical analysis; items that were not supported by the joint OSHA/CG hearing record and are not a part of this proposal. The Coast Guard analysis takes the preceding into account.

Additionally, this proposed regulation does not cover all domestic commercial diving operations but only those maritime commercial diving operations that are under Coast Guard jurisdiction. The majority of the commercial diving operations under Coast Guard jurisdiction are large, deep-sea diving operations taking place in the Gulf Coast, the North Sea, the Persian Gulf, and elsewhere in the world. These commercial diving operations already routinely use the procedures and more costly equipment required for deep-sea operations by this proposed regulation. The smaller and inland diving operations under Coast Guard jurisdiction are normally carried out in a safe manner using procedures and equipment within the limitations proposed by these regulations.

For these reasons, the Coast Guard has determined that this proposed regulation has minimal economic impact.

The major benefits of the proposal will be the establishment of uniform safety standards for all commercial diving operations from vessels and facilities under Coast Guard jurisdiction and a reduction in diving related fatalities and accidents. The establishment of a comprehensive set of commercial diving regulations for all vessels under Coast Guard jurisdiction including mobile offshore drilling units will further U.S. efforts at the Inter-Governmental Maritime Consultative Organization (IMCO), where the United States is a leading nation in the development of an international code for commercial diving operations. It will also facilitate the employment of U.S. diving units on a worldwide basis, inasmuch as the coastal nations concerned can be assured that the U.S. diving systems meet established marine occupational safety and health standards.

In consideration of the foregoing, it is proposed that Title 46 of the Code of Federal Regulations be amended as follows:

PART 54—PRESSURE VESSELS

1. By amending Part 54 by adding § 54.01–17 to read as follows:

§ 54.01–17 Pressure vessel for human occupancy (PVHO).

Pressure vessels for human occupancy (PVHO's) must meet the requirements of Subchapter V (Marine Occupational Safety and Health Standards), Subpart B (Commercial Diving Operations) of this chapter.

2. And by adding a new Subchapter V, consisting at this time of Part 197, Subpart B, to Chapter I to read as follows:

SUBCHAPTER V—MARINE OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 197—GENERAL PROVISIONS

Subpart A—[Reserved]

Subpart B—Commercial Diving Operations

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GENERAL

§ 197.200 Purpose of subpart.

This subpart prescribes rules for the design and construction of equipment, and required equipment, inspection, operation, and safety and health standards for commercial diving operations taking place from vessels and facilities under Coast Guard jurisdiction.

§ 197.202 Applicability.

(a) This subpart applies to commercial diving operations taking place at any deepwater port and the safety zone thereof as defined in 33 CFR 150; from any artificial island and fixed structure on the outer continental shelf and the waters adjacent thereto as dened in 33 CFR 147; and from all vessels required to be certificated by the Coast Guard including mobile offshore drilling units, regardless of their geographic location; except that this subpart does not apply to any diving operation:

(1) Performed solely for marine scientific research and development purposes by educational institutions;

(2) Performed solely for research and development for the advancement of diving equipment and technology; or

(3) Performed solely for search and rescue or related public safety purposes by or under the control of a governmental agency.

(b) Diving operations may deviate from the requirements of this subpart to the extent necessary to prevent or minimize a situation which is likely to cause death, injury, or major environmental damage. The circumstances leading to the situation, the deviations made, and the corrective action taken, if appropriate, to reduce the possibility of recurrence shall be recorded.

§ 197.204 Definitions.

As used in this subpart:

"ACFM" means actual cubic feet per minute.

"ANSI Code" means the B31.1 American National Standards Institute "Code for Pressure Piping, Power Piping".

"ASME Code" means the American Society of Mechanical Engineers "Boiler and Pressure Vessel Code".

"ATA" means a measure of pressure expressed in terms of atmospheres absolute (includes baromeric pressure).

"Bell" means a compartment either at ambient pressure (open bell) or pressurized (closed bell) that allows the diver to be transported to and from the underwater work site, allows the diver access to the surrounding environment, and is capable of being used as a refuge during diving operations.

"Bottom time" means the total elapsed time measured in minutes from the time the diver leaves the surface in descent to the time to the next whole minute that the diver begins ascent.

"Breathing gas/breathing mixture" means the mixed-gas, oxygen, or air as appropriate supplied to the diver for breathing.

"Bursting pressure" means the pressure at which a pressure containment device would fail structurally.

"Commercial diver" means a diver engaged in underwater work for hire excluding sport and recreational diving and the instruction thereof.

"Commercial diving operation" means all activities in support of a commercial diver.

"Cylinder" means a pressure vessel for the storage of gases under pressure.

"Decompression chamber" means a pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system especially equipped to recompress, decompress, and treat divers.

"Decompression sickness" means a condition caused by the formation of gas or gas bubbles in the blood or body tissues as a result of pressure reduction.

"Decompression stage" means a suspended platform constructed to carry out one or more divers and used for putting divers into the water and bringing them to the surface when in-water decompression or a heavyweight diving outfit is used.

"Decompression table" means a profile or set of profiles of ascent rates and breathing mixtures designed to reduce the pressure on a diver safely to atmosphere pressure after the diver has been exposed to a specific depth and bottom time.

"Depth" means the maximum pressure expressed in feet of seawater attained by a diver and is used to express the depth of a dive.

"Dive location" means that portion of a vessel or facility from which a diving operation is conducted.

"Dive team" means the divers and diver support personnel involved in a diving operation, including the diving supervisor.

"Diver" means a person working beneath the surface, exposed to hyperbaric conditions, and using underwater breathing apparatus.

"Diver-carried reserve breathing gas" means a supply of air or mixed-gas as appropriate carried by the diver in addition to the primary or secondary breathing gas supplied to the diver.

"Diving mode" means a type of diving requiring SCUBA, surface-supplied air, or surface-supplied mixed-gas equipment, with related procedures and techniques.

"Facility" means a Deepwater Port or any vessel connected with the Deepwater Port within the safety zone, or an artificial island or a fixed structure on the Outer Continental Shelf subject to Coast Guard jurisdiction.

"Fsw" means feet of seawater (or equivalent static pressure head).

"Gas embolism" means a condition caused by expanding gases, which have been taken into and retained in the lungs while breathing under pressure, being forced into the bloodstream or other tissues during ascent or decompression.

"Heavy-weight diving outfit" means diver-worn surface-supplied deep-sea dress.

"Hyperbaric conditions" means pressure conditions in excess of surface atmosphere pressure.

"Liveboating" means the support of a surfaced-supplied diver from a vessel underway.

"Maximum working pressure" means the maximum pressure to which a pressure containment device can be exposed under operating conditions (usually the pressure setting of the pressure relief device).

"No-decompression limits" means the air depth and bottom time limits of Appendix A.

"Psi(g)" means pounds per square inch (gage).

"PVHO" means pressure vessel for human occupancy.

"Saturation diving" means saturating a diver's tissues with the inert gas in the breathing mixture to allow an extension of bottom time without additional decompression.

"SCUBA diving" means a diving mode in which the diver is supplied with a compressed breathing mixture from diver carried equipment.

"Standby diver" means a diver at the dive location available to assist a diver in the water.

"Surface-supplied air diving" means a diving mode in which the diver is supplied from the dive location or bell with compressed breathing air including oxygen or oxygen enriched air if supplied for treatment.

"Surface-supplied mixed-gas diving" means a diving mode in which the diver is supplied from the dive location or bell with a compressed breathing mixture other than air.

"Timekeeping device" means a device for measuring the time of the dive in minutes.

"Treatment table" means a depth, time, and breathing gas profile designed to treat a diver for decompression sickness.

"Umbilical" means the hose bundle between a dive location and a diver or bell, or between a diver and a bell, that supplies the diver or bell with a lifeline, breathing gas, communications, power, and heat as appropriate to the diving mode or conditions.

"Vessel" means any waterborne craft including mobile offshore drilling units required to be certificated by the Coast Guard.

"Volume tank" means a pressure vessel connected to the outlet of a compressor and used as an air reservoir.

"Working pressure" means the pressure to which a pressure containment device is exposed under normal operating conditions.

§ 197.206 Substitutes for required equipment, materials, apparatus, arrangements, procedures, or tests.

(a) The Coast Guard may accept substitutes for equipment, materials, apparatus, arrangements, procedures, or tests required in this Subpart if the substitute provides an equivalent level of safety.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, material, apparatus, arrangement, procedure, or test is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, material, apparatus, arrangement, procedure, or test to such an extent and upon such condition as will ensure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subpart.

§ 197.208 Designation of person-in-charge.

(a) The owner or his agent of a vessel or facility without a designated master shall designate in writing an individual to be person-in-charge of the vessel or facility.

(b) Where a master is designated, he is the person-in-charge.

EQUIPMENT

§ 197.300 Applicability.

(a) Each vessel or facility subject to this subpart conducting commercial diving operations must—

(1) meet the requirements of this subpart;

(2) have all repairs and modifications to pressure vessels made in accordance with the requirements of Section VIII Division 1 or Division 2 of the ASME Code; and

(3) have all repairs and modifications to pressure piping made in accordance with the requirements of the ANSI Code.

(b) This subpart does not amend or supersede the requirements for design, plan approval, construction, certification, and inspections contained in other parts of Titles 33 and 46 of the Code of Federal Regulations and required of those vessels or facilities subject to this subpart conducting commercial diving operations and having an installed diving system.

§ 197.310 Air compressor system.

A compressor used to supply breathing air to a diver must have—

(a) a volume tank that is—

(1) built and stamped in accordance with Section VIII Division 1 of the ASME Code with—

(i) a check valve on the inlet side;

(ii) a pressure gage;

(iii) a relief valve; and

(iv) a drain valve; and

(2) tested after every repair, modification, or alteration to the pressure boundaries as set forth in § 197.462;

(b) intakes that are located away from areas containing exhaust fumes of internal combustion engines or other hazardous contaminants;

(c) an efficient filtration system; and

(d) slow-opening shut-off valves when the system operating pressure exceeds 500 psig.

§ 197.312 Breathing supply hoses.

(a) Each breathing supply hose must—

(1) have a maximum working pressure that is equal to or exceeds—

(i) the maximum working pressure of the section of the breathing supply system in which used; and

(ii) the pressure equivalent of the maximum depth of the dive relative to the supply source plus 100 psig;

(2) have a bursting pressure of 4 times its maximum working pressure;

(3) be made of kink-resistant materials; and

(4) have connectors that—

(i) are made of corrosion-resistant material;

(ii) are resistant to accidental disengagement; and

(iii) have a maximum working pressure that is at least equal to the maximum working pressure of the hose to which they are attached.

(b) Umbilicals must—

(1) meet the requirements of (a) of this section; and

(2) be marked from the diver or open bell end in 10 feet intervals to 100 feet and in 50 feet intervals thereafter.

§ 197.314 First aid and treatment equipment.

(a) Each dive location must have—

(1) a medical kit approved by a physician;

(2) a copy of an American Red Cross standard first aid handbook;

(3) a bag-type manual resuscitator with transparent mask and tubing;

(4) a capability to remove an injured diver from the water; and

(5) a two-way communications system to obtain emergency assistance.

(b) Each dive location supporting mixed-gas dives, dives deeper than 130 fsw, or dives outside the no-decompression limits must meet the requirements of (a) of this section and have—

(1) a decompression chamber;

(2) treatment tables;

(3) a supply of breathing gases sufficient for treatment;

(4) a medical kit that—

(i) can be carried into the decompression chamber; and

(ii) is suitable for use under hyperbaric conditions; and

(5) a means to place an injured diver into the decompression chamber.

§ 197.316 Liveboating safety device.

During liveboating operations a means must be used to prevent the diver's hose from entangling in the propeller of the vessel.

§ 197.318 Gages and timekeeping devices.

(a) A gage indicating diver depth must be at each dive location for surface-supplied dives.

(b) A timekeeping device must be at each dive location.

§ 197.320 Diving ladder and stage.

(a) Each diving ladder must—

(1) be made of corrosion-resistant material;

(2) be capable of supporting the weight of at least two divers;

(3) extend one meter below the water surface;

(4) be firmly in place; and

(5) be available at the dive location for a diver to enter or exit the water unless a diving stage or bell is provided.

(b) Each diving stage must—

(1) be made of corrosion-resistant material;

(2) be capable of supporting the weight of at least two divers;

(3) have an open-grating platform; and

(4) be available for a diver to enter and exit the water from the dive location if the diver is—

(i) wearing a heavy-weight diving outfit; or

(ii) diving outside the no-decompression limits, except when a bell is provided.

§ 197.322 Surface-supplied helmets and masks.

(a) Each surface-supplied helmet or mask must have—

(1) a non-return valve at the attachment point between helmet or mask and umbilical that closes readily and positively;

(2) an exhaust valve; and

(3) a two-way voice communication system between the diver and the dive location or bell.

(b) Each surface-supplied air helment or mask must—

(1) ventilate at least 4.5 ACFM at any depth that it is operated; or

(2) be able to maintain the diver's inspired carbon dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

§ 197.324 Diver's safety harness.

Each safety harness used in surface-supplied diving must have—

(a) a positive buckling device; and

(b) an attachment point for the umbilical life line that—

(1) distributes the pulling force of the unmbilical over the diver's body; and

(2) prevents strain on the mask or helmet.

§ 197.326 Oxygen safety.

(a) Equipment used with oxygen or oxygen mixtures greater than 40 percent by volume must be designed for such use.

(b) Oxygen systems with pressures greater than 125 psig must have slow-opening shut-off valves.

§ 197.328 PVHO—General.

(a) Each PVHO subject to an internal pressure over 15 psig contracted for or purchased after April 15, 1978 must—

(1) be built and stamped in accordance with Section VII Division 1 or Division 2, and PVHO–1 of the ASME Code; and

(2) meet the requirements of this section.

(b) Each PVHO, subject to an internal pressure over 15 psig contracted for or constructed before April 15, 1978 and not Coast Guard approved, must be submitted to the Coast Guard for approval prior to April 15, 1983. To be approved, a PVHO must be constructed in accordance with Part 54 of this chapter, or—

(1) be built in accordance with Section VIII Division 1 or Division 2 of the ASME Code; and—

(i) have the plans approved in accordance with § 54.01–18 of this chapter; and

(ii) pass the radiographic and other survey tests of welded joints required by Section VIII Division 1 or Division 2, as appropriate, of the ASME Code or equivalent; and

(iii) pass the hydrostatic test described in § 54.10–10 of this chapter; or

(iv) pass the pneumatic test described in § 54.10–15 of this chapter and pass such additional tests as the ICMI may require; and

(2) meet the requirements of this section.

(c) Each PVHO must—

(1) have a shut-off valve located within one foot of the pressure boundary on all piping penetrating the pressure boundary;

(2) have a check valve located within one foot of the pressure boundary on all piping carrying fluids into the PVHO;

(3) Have the pressure relief device required by PVHO–1 of Section VIII of the ASME Code, except when the only source of pressure in the PVHO is from an external source, a pressure relief device installed in each exterior pipe, capable of supplying pressure to the PVHO, located outboard of the valves required in paragraphs (c)(1) and (c)(2) of this section may be substituted;

(4) have a pressure sealing hatch;

(5) have a built-in breathing system with a minimum of one mask per occupant stored inside;

(6) have a two-way voice communications system allowing communications between an occupant in a pressurized compartment of the PVHO and—

(i) the dive location;

(ii) any divers being supported from the PVHO; and

(iii) occupants of other separately pressurized compartments;

(7) if designed to couple to another PVHO, have a two-way communications system allowing communications between occupants of each PVHO when coupled;

(8) have a pressure gage in the interior of each compartment designed for human occupancy;

(9) have at least one viewport that allows observation of any occupant from the outside and if acrylic meets the requirements of PVHO–1 of the ASME Code;

(10) have an installed means of illumination sufficient to allow—

(i) the reading of gages by an occupant; and

(ii) the operation of the installed systems within each compartment;

(11) be designed and equipped to minimize sources of combustible materials and ignition;

(12) have a protective device on the inlet side of PVHO exhaust lines;

(13) have a fire extinguisher using water as the extinguishing medium and, if pressurized, the water shall be propelled by compressed air, nitrogen, helium, or other substance that is non-toxic to the occupants of the PVHO;

(14) have a means of maintaining the interior atmosphere below 25 percent surface equivalent oxygen by volume when pressurized with air as the breathing mixture;

(15) have a means of maintaining the interior atmosphere below 2 percent surface equivalent carbon dioxide by volume;

(16) have a means of over-riding and controlling from the exterior all interior breathing and pressure supply controls;

(17) have a speech unscrambler when used with mixed-gas;

(18) be tested after every repair, modification, or alteration to the pressure boundaries as set forth in § 197.462; and

(19) have interior electrical equipment that is explosion-proof.

§ 197.330 PVHO—Closed bells.

(a) Except as provided in paragraph (b) of this section, each closed bell must meet the requirements of § 197.328 and—

(1) have underwater breathing apparatus stored inside for each occupant;

(2) have an umbilical;

(3) have lifting equipment capable of returning the occupied closed bell to the dive location when fully flooded;

(4) be capable of recompressing on the surface to the maximum design diving depth;

(5) be constructed and equipped as required by § 197.332;

(6) have a breathing gas supply, independent of the surface supply, sufficient to support the intact closed bell and the occupants for twelve hours after an accident severing the umbilical to the surface; and

(7) have an emergency locating device designed to assist personnel on the surface in acquiring and maintaining contact with the submerged PVHO if the umbilical to the surface is severed.

(b) A closed bell that does not meet the requirements of paragraphs (a)(3), (a)(4), and (a)(5) of this section, must be capable of attachment to another PVHO that—

(1) allows the transfer of personnel and diver's equipment under pressure from the closed bell to the PVHO;

(2) meets the requirements of paragraph (a)(3) of this section;

(3) is capable of attachment to a decompression chamber meeting the requirements of paragraphs (a)(4) and (a)(5) of this section; and

(4) allows the transfer of personnel and diver's equipment under pressure from the PVHO to the decompresion chamber.

§ 197.332 PVHO — Decompression chambers.

(a) Each decompression chamber must—

(1) meet the requirements of § 197.328;

(2) have internal dimensions sufficient to accommodate a diver lying in a horizontal position and another person tending the diver;

(3) have a capability for ingress and egress of personnel and equipment while the occupants are under pressure;

(4) have a means of operating all installed man-way locking devices from both sides of a closed hatch;

(5) have a general interior illumination level of at least 25 foot candles with

50 foot candles over bunks and in work areas;

(6) have one bunk for every two occupants;

(7) have a capability that allows bunks to be seen over their entire lengths from the exterior;

(8) have a minimum pressure capability of—

(i) 6 ATA, when used for diving to 300 fsw; or

(ii) the maximum depth of the dive, when used for diving operations deeper than 300 fsw, unless a closed bell meeting the requirements of § 197.330 (a) (3), (4), and (5) is used;

(9) have a minimum pressurization rate of 2 ATA per minute to 60 fsw at least 1 ATA thereafter;

(10) have a decompression rate of 1 ATA per minute to 30 fsw;

(11) have an external pressure gage for each pressurized compartment;

(12) have a capability to supply breathing mixtures at the maximum rate required by each occupant doing heavy work; and

(13) have a sound-powered headset as a backup to the communications system.

§ 197.334 Open diving bells.

(a) Each open diving bell must—

(1) be made of corrosion-resistant material;

(2) have an upper section that provides a gas-tight boundary with an open bottom;

(3) have lifting equipment capable of returning the occupied open bell to the dive location; and

(4) heave an umbilical.

§ 197.336 Pressure piping.

Piping systems not an integral part of the vessel or facility, carrying fluids under pressures exceeding 15 psig must—

(a) meet the ANSI Code;

(b) have the point of connection to the integral piping system of the vessel or facility clearly marked; and

(c) be tested after every repair, modification, or alteration to the pressure boundaries as set forth in § 197.462.

§ 197.338 Compressed gas cylinders.

Compressed gas cylinders must—

(a) meet the requirements of 49 CFR 173.34 and 49 CFR 178 Subpart C;

(b) be stored in a ventilated area;

(c) be protected from excessive heat;

(d) be prevented from falling; and

(e) be tested after any repair, modification, or alteration to the pressure boundaries as set forth in § 197.462.

§ 197.340 Breathing gas supply.

(a) A primary breathing gas supply for surface-supplied diving must be sufficient to support for the duration of the planned dive—

(1) the diver;

(2) the standby diver;

(3) the decompression chamber, when required by § 197.432(e) or by § 197.434 (a), and for one hour after completion of the planned dive;

(4) a decompression chamber when provided;

(5) a closed bell when provided or required by § 197.434(c); and

(6) an open bell when provided or required by § 197.432(e) or by § 197.434(b).

(b) A secondary breathing gas supply for surface-supplied diving must be sufficient to support—

(1) the diver while returning to the surface;

(2) the diver during decompression;

(3) the standby diver;

(4) the decompression chamber when required by § 197.432(e) or § 197.434(a) for the duration of the dive and one hour after the completion of the planned dive;

(5) the closed bell while returning the diver to the surface; and

(6) the open bell while returning the diver to the surface.

(c) A diver-carried reserve breathing gas supply for surface-supplied diving must be sufficient to allow the diver to—

(1) reach the surface;

(2) reach another source of breathing gas; or

(3) be reached by a standby diver equipped with another source of breathing gas for the diver.

(d) A primary breathing gas supply for SCUBA diving must be sufficient to support the diver for the duration of the planned dive through his return to the dive location or planned pick-up point.

(e) A diver-carried reserve breathing gas supply for SCUBA diving must be sufficient to allow the diver to return to the dive location or planned pick-up point from the greatest depth of the planned dive.

(f) Oxygen used for breathing mixtures must—

(1) meet the requirements of Federal Specification BB–O–925a; and

(2) be Type 1 (gaseous) Grade A or B.

(g) Nitrogen used for breathing mixtures must—

(1) meet the requirements of Federal Specification BB–N–411c;

(2) be Type 1 (gaseous);

(3) be Class 1 (oil free); and

(4) be Grade A, B, or C.

(h) Helium used for breathing mixtures must be Grades A, B, or C produced by the federal government, or equivalent.

(i) Compressed air used for breathing mixtures must—

(1) be 20 to 22 percent oxygen by volume;

(2) have no objectionable odor; and

(3) have no more than—

(i) 1000 parts per million of carbon dioxide;

(ii) 20 parts per million carbon monoxide;

(iii) 5 milligrams per cubic meter of solid and liquid particulates including oil; and

(iv) 25 parts per million of hydrocarbons (includes methane and all other hydrocarbons expressed as methane).

§ 197.342 Buoyancy-changing devices.

(a) A dry suit or other buoyancy-changing device not directly connected to the exhaust valve of the helmet or mask must have an independent exhaust valve.

(b) When used for SCUBA diving, a buoyancy changing device must have an inflation source separate from the breathing gas supply.

§ 197.344 Inflatable flotation devices.

(a) An inflatable flotation device for SCUBA diving must—

(1) be capable of maintaining the diver at the surface in a face-up position;

(2) have a manually activated inflation device;

(3) have an oral inflation device;

(4) have an over-pressure relief device;

(5) have a manually operated exhaust valve.

§ 197.346 Diver's equipment.

(a) Each diver using SCUBA must have—

(1) self-contained underwater breathing equipment including—

(i) a primary breathing gas supply with a cylinder pressure gage readable by the diver during the dive; and

(ii) a driver-carried reserve breathing gas supply provided by—

(A) a manual reserve (J valve); or

(B) an independent reserve cylinder connected and ready for use;

(2) a face mask;

(3) an inflatable flotation device;

(4) a weight belt capable of quick release;

(5) a knife;

(6) Swim fins or shoes;

(7) a diving wristwatch; and

(8) a depth gage.

(b) Each diver using a heavy-weight diving outfit must have—

(1) a helmet group consisting of helmet, breastplate, and associated valves and connections;

(2) a diving dress group consisting of a basic dress that encloses the body (except for head and hands) in a tough, waterproof cover, helmet cushion, gloves, weighted shoes, weight assembly, and knife; and

(3) a hose group consisting of the breathing gas hose and fittings, the control valve, the life-line, communications cable, and a pneumofathometer.

(c) Each diver using a light-weight diving outfit must have—

(1) a safety harness;

(2) weight assembly capable of quick release;

(3) a mask group consisting of a light-weight mask and associated valves and connections;

(4) a diving dress group consisting of wet or dry diving dress, gloves, shoes or fins, and knife; and

(5) a hose group consisting of the breathing gas hose and fittings, the control valve, the life-line, communications cable, and a pneumofathometer.

(d) Each surface-supplied air dive operation within the no-decompression limits and to depths of 130 fsw or less must have a primary breathing gas supply at the dive location.

(e) Each surface-supplied dive operation outside the no-decompression limits,

deeper than 130 fsw, or using mixed-gas as a breathing mixture must have at the dive location—

(1) a primary breathing gas supply; and

(2) a secondary breathing gas supply.

(f) Each diver diving outside the no-decompression limits, deeper than 130 fsw, or using mixed-gas must have a diver-carried reserve breathing gas supply except when using a heavy-weight diving outfit or when diving in a physically confining space.

OPERATIONS

§ 197.400 Applicability.

Diving operations may not be conducted from a vessel or facility subject to this subpart unless the regulations in this subpart are met.

§ 197.402 Responsibilities of the person-in-charge.

The person-in-charge shall be fully cognizant of the provisions of this subpart and the operations manual required by § 197.420.

§ 197.410 Dive procedures.

The person-in-charge shall ensure that:

(a) Before commencing diving operations dive team members are briefed on—

(1) the tasks to be undertaken;

(2) any unusual hazards or environmental conditions likely to affect the safety of the diving operation; and

(3) any modifications to the operations manual or procedures including safety procedures necessitated by the specific diving operation.

(b) The breathing gas supply systems, masks, helmets, thermal protection when provided, and bell lifting equipment when a bell is provided or required are inspected prior to each diving operation.

(c) Each diver is instructed to report any physical problems or physiological effects including aches, pains, current illnesses, or symptoms of decompression sickness prior to each dive.

(d) A depth, bottom time profile, including any breathing mixture changes, is maintained at the dive location for each diver during the dive except that SCUBA divers shall maintain their own profiles.

(e) A two-way voice communication system is used between—

(1) each surface-supplied diver and a dive team member at the dive location or bell (when provided); and

(2) the bell (when provided) and the dive location.

(f) A two-way communication system is available at the dive location to obtain emergency assistance.

(g) The working interval of a dive is terminated when—

(1) he so directs;

(2) a diver requests termination;

(3) a diver fails to respond correctly to communications or signals from a dive team member;

(4) communications are lost and can not be quickly re-established between—

(i) the diver and a dive team member at the dive location; and

(ii) the person-in-charge and the person controlling the vessel in liveboating operations; or

(5) a diver begins to use his diver-carried reserve breathing gas supply.

(h) After the completion of each dive—

(1) the physical condition of the diver is checked;

(2) the diver is instructed to report any physical problems or adverse physiological effects including aches, pains, current illnesses, or symptoms of decompression sickness or gas embolism;

(3) the diver is advised of the location of an operational decompression chamber; and

(4) the diver is alerted to the potential hazards of flying after diving.

(i) For any dive outside the no-decompression limits, deeper than 130 fsw, or using mixed-gas as a breathing mixture—

(1) a depth, time, decompression profile including breathing mixture changes is maintained for each diver at the dive location;

(2) the diver is instructed to remain awake and in the vicinity of the dive location decompression chamber for at least one hour after the completion of a dive, decompression, or treatment; and

(3) a dive team member, other than the diver, is trained and available to operate the decompression chamber.

(j) A report is completed when decompression sickness or gas embolism is suspected or symptoms are evident containing—

(1) the investigation for each incident including—

(i) the dive and decompression profiles;

(ii) the composition, depth, and time of breathing mixture changes;

(iii) a description of the symptoms including depth and time of onset; and

(iv) a description and results of the treatment;

(2) the evaluation for each incident based on—

(i) the investigation;

(ii) consideration of the past performance of the decompression table used; and

(iii) individual susceptibility; and

(3) the corrective action taken, if necessary, to reduce the probability of recurrence.

§ 197.420 Operations manual.

(a) An operations manual must be prepared for each vessel or facility from which diving operations are conducted.

(b) The operations manual must—

(1) be in accordance with the requirements of this subpart; and

(2) provide for the safety and health of the divers.

(c) The operations manual must contain the—

(1) safety procedures and checklists for each diving mode used;

(2) dive team member assignments and responsibilities for each diving mode used;

(3) equipment procedures and checklists for each diving mode used;

(4) emergency procedures for—

(i) fire;

(ii) equipment failure;

(iii) adverse environmental conditions;

(iv) medical illness; and

(v) treatment of injury; and

(5) procedures dealing with the use of—

(i) hand-held power tools;

(ii) welding and burning equipment; and

(iii) explosives.

SPECIFIC DIVING MODE PROCEDURES

§ 197.430 SCUBA diving.

The person-in-charge shall ensure that:

(a) SCUBA diving is not conducted—

(1) outside the no-decompression limits;

(2) in depths greater than 130 fsw;

(3) against currents greater than one (1) knot unless line-tended; and

(4) where a diver can not directly ascend to the surface unless line-tended.

(b) The SCUBA diver has the equipment required by § 197.346(a).

(c) A standby diver is available while a diver is in the water.

(d) A diver is line-tended from the surface, or accompanied by another diver in the water in continuous visual contact during the diving operation.

(e) A diver is stationed at the underwater point of entry and is line-tending the diver in a physically confining space.

(f) A boat is available for diver pick-up when the divers are not line-tended from the surface.

§ 197.432 Surface-supplied air diving.

The person-in-charge shall ensure that:

(a) Surface-supplied air diving is conducted in depths less than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw.

(b) Each diving operation has a primary breathing gas supply.

(c) Each diver is continuously tended while in the water.

(d) A diver is stationed at the underwater point of entry and is line-tending the diver in a physically confining space.

(e) For dives deeper than 130 fsw or outside the no-decompression limits—

(1) each diving operation has a secondary breathing gas supply;

(2) a decompression chamber is ready for use at the dive location;

(3) a bell is used for dives with an in-water decompression time greater than 120 minutes, except when the diver is using a heavy-weight diving outfit or is diving in a physically confining space;

(4) a separate dive team member tends each diver in the water;

(5) a standby diver is available while a diver is in the water;

(6) an extra breathing gas hose capable of supplying breathing gas to the diver with attaching tools is available to the standby diver; and

(7) each diver has a diver-carried reserve breathing gas supply except when using a heavy-weight diving outfit or when diving in a physically confining space.

(f) The surface-supplied air diver has the equipment required by 46 CFR 197.346(b) or (c).

§ 197.434 Surface supplied mixed-gas diving.

The person-in-charge shall ensure that:

(a) When mixed-gas diving is conducted a decompression chamber or a closed bell meeting the requirements of § 197.332 is ready for use at the dive location.

(b) A bell is used for dives deeper than 220 fsw or when the dive involves in-water decompression times greater than 120 minutes, except when the diver is using a heavy-weight diving outfit or is diving in a physically confining space.

(c) A closed bell is used for dives at depths greater than 300 fsw, except when diving is conducted in a physically confining space.

(d) A separate dive team member tends each diver in the water.

(e) A standaby diver is available during all non-saturation dives.

(f) When saturation diving is conducted, a standby diver is available—

(1) when the closed bell leaves the dive location and for one hour after; and

(2) when the closed bell returns to the dive location and one hour preceding return.

(g) When closed bell operations are conducted, a diver is available in the closed bell to assist a diver in the water.

(h) A diver is stationed at the underwater point of entry when diving in a physically confining space.

(i) Each diving operation has a primary and secondary breathing gas supply meeting the requirements of § 197.340.

(j) The surface-supplied mixed-gas diver has the equipment required by § 197.346(a), (b), or (c).

§ 197.436 Liveboating.

The person-in-charge liveboating operations shall ensure that:

(a) Diving is not conducted in depths greater than 200 fsw.

(b) Divising is not conducted in seas that impede diver mobility or work function.

(c) Liveboating operations are not conducted at night.

(d) Each diver carries a reserve breathing gas supply.

(e) In addition to the requirements of § 197.316, the propeller of the vessel is stopped before the diver enters or exits the water.

(f) A standby diver is available while a diver is in the water.

(g) Diving is not conducted with in-water decompression times greater than 120 minutes.

(h) A boat is available for diver pickup if the umbilical is severed.

PERIODIC TESTS AND INSPECTIONS OF DIVING EQUIPMENT

§ 197.450 Breathing gas tests.

The person-in-charge shall ensure that:

(a) The output of an air compressor is tested and meets the requirements of § 197.340 for quality and quantity every six months and after every repair or modification by means of samples taken at the connection point to the distribution system.

(b) Breathing mixtures supplied to a diver are tested and meet the requirements of § 197.340 for quality every six months by means of samples taken at the umbilical or underwater breathing apparatus connection point at the diver.

§ 197.452 Oxygen cleaning.

The person-in-charge shall ensure that equipment used with oxygen or oxygen mixtures greater than 40 percent by volume is cleaned of flammable materials before being placed into service and after any repair, alteration, modification, or suspected contamination.

§ 197.454 First aid and treatment equipment.

The person-in-charge shall ensure that medical kits are checked monthly to ensure that all required supplies are present.

§ 197.456 Breathing supply hoses.

The person-in-charge shall ensure that:

(a) Each breathing supply hose is pressure tested initially and every twenty-four months thereafter to 1.5 times its maximum working pressure.

(b) Each breathing supply hose assembly, prior to being placed into initial service and after any repair, modification, or alteration, is tensile tested by—

(1) subjecting each hose-to-fitting connection to a 200 pound axial load; and

(2) passing a visual examination for evidence of separation, slippage, or other damage to the assembly.

(c) Each breathing supply hose must be inspected before each diving operation for—

(1) cuts;

(2) kinks;

(3) soft spots; or

(4) bubbles.

(d) Each breathing supply hose must have open ends taped, capped or plugged, when not in use.

§ 197.458 Gages and timekeeping devices.

The person-in-charge shall ensure that:

(a) Each depth gage and timekeeping device is tested or calculated against a master reference gage or timekeeping device—

(1) every six months;

(2) when a discrepancy exists in a depth gage reading greater than 2 percent of full scale between any two equivalent gages; and

(3) when a discrepancy exists in a timekeeping device reading greater than one quarter of a minute between any two equivalent timekeeping devices.

(b) Each depth gage and timekeeping device is inspected before commencing diving operations.

§ 197.460 Diving equipment.

The person-in-charge shall ensure that the diving equipment designated for use in a dive under § 197.346 is inspected before each dive.

§ 197.462 Pressure vessels and pressure piping.

The person-in-charge shall ensure that:

(a) Each volume tank, cylinder, PVHO, and pressure piping system has been examined and tested every twelve months and after any repair, modification, or alteration to the extent necessary to determine that they are in condition and fit for the service intended.

(b) The following tests to meet the requirements of (a) of this section have been conducted—

(1) an internal and external visual examination for mechanical damage or deterioration;

(2) an annual pneumatic test;

(3) a hydrostatic test every fifth year and after any repair, modification, or alteration; and

(4) a leak test.

(c) In conducting the pneumatic test on pressure vessels—

(1) the test pressure must be the pressure stamped on the pressure vessel; and

(2) the test shall be conducted only after having taken suitable precautions to protect personnel and equipment.

(d) In conducting the pneumatic test on pressure piping—

(1) the test pressure must be no less than 90 percent of the setting of the relief device; and

(2) the test shall be conducted after having taken suitable precautions to protect personnel and equipment.

(e) In conducting a hydrostatic test on a pressure vessel, the test pressure shall be—

(1) 1¼ times the pressure stamped on the pressure vessel built to Division 2 of the ASME Code; and

(2) 1½ times the pressure stamped on the pressure vessel built to Division 1 of the ASME Code.

(f) The leak test must be conducted with the breathing mixture normally used in service.

RECORDS

§ 197.480 Logbook.

(a) The person-in-charge of a vessel or facility required by 46 U.S.C. 201 to have an official logbook shall maintain the logbook on Form CG–706.

(b) The person-in-charge of a vessel of facility not required by 46 U.S.C. 201 to have an official logbook, shall maintain, on board, an unofficial logbook for making the entries required by this subpart.

§ 197.482 Logbook entries.

The person-in-charge shall ensure that the following information is recorded in the logbook required by this subpart:

(a) For each diving operation the—

(1) date, time, and location at the start of dive operations;

(2) approximate underwater and surface conditions (weather, visibility, temperatures and currents);

(3) Names of dive team members including diving supervisor;

(4) repetitive dive designation or elapsed time since last hyperbaric exposure if less than twenty-four hours for each diver;

(5) diving modes used;

(6) maximum depth and bottom time for each diver;

(7) general nature of work performed; and

(b) For each dviing operation deviating from the requirements of this subpart—

(1) a description of the circumstances leading to the situation;

(2) the deviations made; and

(3) the corrective action taken, if appropriate, to reduce the possibility of recurrence.

(c) For each dive outside the no-decompression limits, deeper than 130 fsw, or using mixed-gas, in addition to the requirements of (a) of this section, the breathing gases and decompression table designations used.

(d) When decompression sickness or gas embolism is suspected or symptoms are evident, in addition to the requirements of (a) and (b) of this section—

(1) the name of the diver; and

(2) a description and results of treatment.

(e) For each fatality or any diving related injury or illness that results in incapacitation of more than 72 hours or requires any dive team member to be hospitalized for more than 24 hours—

(1) the date;

(2) time;

(3) circumstances; and

(4) extent of any injury or illness.

(f) The date and results of each check of the medical kits.

(g) The date and results of each test of the air compressor.

(h) The date and results of each test of breathing mixtures.

(i) The date, equipment cleaned, general cleaning procedure, and names of persons cleaning the diving equipment for oxygen service.

(j) The date and results of each test of the breathing supply hoses and system.

(k) The date and results of each inspection of the breathing gas supply system.

(l) The date and results of each test of depth gages and timekeeping devices.

(m) The date and results of each test and inspection of each PVHO.

(n) The date and results of each inspection of the diving equipment.

(o) The date and results of each test and inspection of pressure piping.

(p) The date and results of each test and inspection of volume tanks and cylinders.

NOTE.—R.S. 4290 (46 U.S.C. 201) requires that certain entries be made in an official logbook in addition to the entries required by this section; and R.S. 4291 (46 U.S.C. 202) prescribes the manner of making those entries.

§ 197.484 Notice of casualty.

(a) In addition to the requirements of § 4.05 of this chapter and 33 CFR 146.01–20, the person-in-charge shall notify the Officer-in-Charge, Marine Inspection, as soon as possible after a diving casualty occurs, if the casualty involves any of the following—

(1) loss of life;

(2) diving-related injury to any person causing incapacitation for more than 72 hours;

(3) diving-related injury to any person requiring hospitalization for more than 24 hours;

(b) The notice required by this section must contain the following—

(1) name and official number (if applicable) of the vessel or facility;

(2) name of the owner or agent of the vessel or facility;

(3) name of the designated person-in-charge;

(4) description of the casualty including presumed cause; and

(5) nature and extent of the injury to persons.

(c) The notice required by this section is not required to be submitted if the written report of the casualty required by § 197.486 is submitted within five days.

§ 197.486 Written report of casualty.

The person-in-charge of a vessel or facility for which a notice of casualty was made under § 197.484 shall submit a report to the Officer-in-Charge, Marine Inspection, as soon as possible after the casualty occurs, on—

(a) Form CG–924E, if the casualty involves injury to persons or loss of life, with a copy of the report required by § 197.410(j) when a cause is decompression sickness; and

(b) Form CG–2692 if the causualty involves damage to property in excess of $5000 or grounding or stranding of a vessel.

§ 197.488 Retention of records after casualty.

(a) The owner, agent, or person-in-charge of a vessel or facility for which a report of casualty is made under § 197.484 shall retain all records on board that are maintained on the vessel or facility for at least 6 months after the report of casualty is made or until advised by the Officer-in-Charge, Marine Inspection, that records need not be retained on board.

(b) The records required by (a) of this section to be retained on board include—

(1) rough and smooth vessel deck log;

(2) rough and smooth vessel engineroom log;

(3) tour reports;

(4) vessel bell books;

(5) navigation charts in use at the time of casualty;

(6) vessel navigation work books;

(7) vessel compass deviation cards;

(8) vessel gyrocompass records;

(9) storage plans;

(10) record of vessel drafts;

(11) notices to mariners;

(12) radiograms sent and received;

(13) radio log;

(14) personnel list;

(15) crane record book;

(16) vessel night order books; and

(17) all reports required by § 197.410(j).

(c) The owner, agent, or person-in-charge shall, upon request, make the records described in this section available for examination by any Coast Guard official authorized to investigate the casualty.

APPENDIX A—AIR NO-DECOMPRESSION LIMITS

The following table gives the depth versus bottom time limits for single, no-decompression, air dives made within any twelve hour period. The limit is the maximum bottom time in mnutes that a diver can spend at that depth without requiring decompression beyond that provided by a normal ascent rate of 60 fsw per minute. (Although bottom time is concluded when ascent begins, a slower ascent rate would increase the bottom time thereby requiring decompression.) An amount of nitrogen remains in the tissues of a diver after any air dive, regardless of whether the dive was a decompression or no-decompression dive. Whenever another dive is made within a twelve hour period, the nitrogen remaining in the blood and body tissues of the diver must be considered when calculating his decompression.

Air no-decompression limits

Depth (feet):	*No-decompression limits (minutes)*
35	310
40	200
50	100
60	60
70	50
80	40
90	30
100	25
110	20
120	15
130	10

SOURCE: U. S. Navy Diving Manual, 1 September 1973.

(Sec. 3, Pub. L. 84–519, 70 Stat. 152 (46 U.S.C. 390b); Sec. 4, Pub. L. 90–397, 82 Stat. 341 (46 U.S.C. 391a); Sec. 10, Pub. L. 93–627, 88 Stat. 2137 (33 U.S.C. 1509(b)); Sec. 4, Pub. L. 83–212, 67 Stat. 462 (43 U.S.C. 1333(e)(1)); Sec. 10, Pub. L. 60–152, 35 Stat. 428, as amended (46 U.S.C. 395); R.S. 4405 as amended (46 U.S.C. 375); R.S. 4417 as amended (46 U.S.C. 391); R.S. 4418 as amended (46 U.S.C. 392); R.S. 4462 as amended (46 U.S.C. 416); Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.46)

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

Dated: November 3, 1977.

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

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federal register

THURSDAY, NOVEMBER 10, 1977

PART V

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 173 and 174]

[CGD 76-155]

Vessel Numbering and Casualty and Accident Reporting

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard exempts from numbering requirements tenders to numbered vessels. For consistency, and because tenders can be considered as ancillary equipment, the Coast Guard is proposing to exempt from numbering tenders to documented yachts. Also, the present reporting requirements result in accidents being reported in which the Coast Guard has minimal interest. To reduce the reporting burden, therefore, a change is being proposed to the accident reporting regulations which would reduce the number of accidents which must be reported. Similarly, the time period allowed for reporting non-fatal accidents would be extended. One other change would tighten the requirements on the State to determine the causes of accidents by requiring the States to list the cause on the Accident Report forwarded to the Coast Guard. Another change would alter some of the information required on the Certificate of Number, making it consistent with the information on the Application for a certificate.

DATES: Comments must be received on or before: December 27, 1977.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), United States Coast Guard, Washington, D.C. 20590. Comments are available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHFR INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4176.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 76-155), the name and address of the persons submitting the comments, and the specific section of the proposal to which his comment applies, and give the reasons for his comment. All comments received will be considered before final action on this proposal. No hearing is contemplated, but one may be held at a time and place set out in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

DRAFTING INFORMATION

The principal program person and lawyer involved in the drafting of this rulemaking are: LTJG D. R. Gauthier, Project Manager; Lt. G. S. Karavitis, Project Attorney, Office of Boating Safety.

DISCUSSION OF PROPOSED REGULATIONS

Numbering: *Exemption of Tenders of Documented Yachts.* Section 173.13(b) exempts from numbering requirements those boats under ten horsepower used as tenders of numbered vessels. Several numbering authorities and several owners of documented vessels have questioned the applicability of § 173.13(b) to tenders for documented yachts. The original intent of the regulations was to exempt all vessels used solely as yacht tenders, including tenders of documented yachts (37 FR 21397). In the wording of the regulations, however, tenders to documented yachts were overlooked. The purpose of the regulation is to reduce the burden on the boatman of obtaining more than one number for what is essentially a single boat and ancillary equipment. Section 173.13(b) would, therefore, be amended to exempt all boats under ten horsepower used solely as tenders. Section 173.27 will be amended to require that tenders of documented yachts be identified by the name of the documented yacht and the suffix 1 on the bow of the tender in a manner similar to the requirements for numbered vessels.

Casualty and Accident Reporting. Section 173.55 defines a reportable boating accident. The definition includes accidents in which a person loses consciousness, receives medical treatment, or is disabled for a period of time greater than 24 hours. These three terms cover a broad area and encompass nearly any injury which could result from a boating accident. As a result, many accidents are reported which provide the Coast Guard with little or no useful data.

The term "medical treatment" has been more broadly interpreted in some states than in others, resulting in a lack of uniformity in reporting. This creates biased boating statistics nationwide because some states require more comprehensive reporting. The phrase "receives medical treatment" would, therefore, be deleted from the regulations because it is too ambiguous to provide a common measure for reporting which is responsive to the Coast Guard's requirements for data. Requiring reports for "Loss of Consciousness" does not add any significant group of casualties to those otherwise reported, since in most serious accidents loss of consciousness accompanies other serious injury. Because it adds no significant data, the phrase would be deleted. The remaining criterion for a reportable accident, an injury resulting in 24 hours disability, would be altered to substitute more definitive words for the term disability. When used in conjunction with the term "medical treatment", the phrase "disability greater than 24 hours" adds no significant category to the reporting requirement. When the term "medical treatment" is deleted, it becomes important to clarify what is meant by "disability greater than 24 hours". The word disability could be confused with occupational related disabilities. Therefore, the word "disability" will be replaced by the words "unable to perform normal or usual activities." Accidents involving injuries can then be reported on the basis of this clear criterion, thereby encouraging uniformity of reporting.

Section 173.55 further requires an accident to be reported when damage to either the vessel or other property is in excess of $100. Since this regulation was first promulgated, the costs of boat repairs, particularly fiberglass repairs, have sharply escalated. The $100 damage criterion, like the broad category for injury, has become too inclusive. Many minor accidents which are required to be reported provide little useful data for the boating safety program. Several State and Federal boating authorities have recomended that the $100 figure be increased to $200. This will not only ease the reporting requirement for the boater, but will also decrease the administrative loan on the accident data system by 15 percent. If the $200 criteria is adopted for § 173.55(a)(3), a similar change will be necessary in § 174.101(b) for consistency. Anq state may still place a more stringent requirement on reporting if it so desires.

Subparagraph (b)(3) of § 173.55 requires that the operator of a vessel involved in a boating accident must submit a report within five days of the accident if an earlier report is not required. Earlier reports are required when a person is injured, or when a person dies within 24 hours of an accident. The National Association of State Boating Law Administrators has urged the Coast Guard to reconsider the five day limit. Most reports are not received within the required reporting time and because of the high incidence of late reporting, boating law enforcement authorities have found the regulation to be unenforceable and, therefore, not effective. An extension of the time limit for submission of reports to ten days would facilitate enforcement of this regulation because more people can be expected to comply. This change would not interfere with the separate requirement for immediate notification of fatal accidents. For the reasons expressed above, it is proposed that subparagraph (b)(3) of § 173.55 be amended to substitute ten days for five days.

Numbering: Model year and year of manufacture. The information required on the application for a Certificate of Number differs slightly from that information required to be listed on the Certificate. Subparagraph (a)(10) of § 174.17 requires that each application contain the year the vessel was manufactured or model year. This is reasonable because in many instances the owner of a vessel, when submitting the application, may be aware of the model

year but not know the year the vessel was manufactured. In other cases the year of manufacture is more appropriate. Subparagraph (a)(9) of § 174.19, however, requires that the Certificate list the year of manufacture. In cases where the application lists the model year, the issuing authority may not know the year of manufacture. For this reason it is proposed that the Certificate contain the model year or the year of manufacture, or both, consistent with the application.

Review of Reports. One important aspect of the standard casualty reporting system is uniformity. Section 174.103 requires a State agency, which administers a Coast Guard approved casualty reporting system, review casualty and accident reports "to assure accuracy and completeness of reporting" and to determine the cause of the accident. The intent of the requiremnt to review reports is to assure that accurate and complete reports are forwarded to the Coast Guard. However, the wording "to assure accuracy and completeness of reporting" has led some to believe that the paragraph referred to the general reporting system and not to individual reports. Because of this misinterpretation of the regulations, not all reports were reviewed and many of those that were reviewed were not corrected. For this reason, the word "reporting" will be changed to "each report" so that it will be clear that each report must be reviewed and inaccurate information corrected.

Seventy percent of the reporting agencies determine cause as required by § 174.103 and list the cause on the report on an attached sheet. The failure of the remaining jurisdictions to report a determination of cause for each accident is a gap in the uniform reporting system. Failure of the state agency to determine and list an accident cause forces the Coast Guard to use the opinions of the boat operator when conducting statistical studies. The statistics are then biased because many operators are reluctant to indicate their own fault on boating accident reports. Therefore, a requirement that the state agency determine a cause of the accident on each report forwarded to the Coast Guard will be included in § 174.103.

These amendments are proposed under the authority of Sections 18, 19, and 37 of the Federal Boat Safety Act of 1971 (46 USC 1467, 1468, and 1486).

In consideration of the foregoing, it is proposed to amend parts 173 and 174 of Title 33 of the Code of Federal Regulations as follows:

1. By revising § 173.13(b) to read as follows:

§ 173.13 Exemptions.

* * * * *

(b) * * *

(1) Is owned by the owner of a vessel that either has a valid Certificate of Number or that is documented as a yacht with the Coast Guard under the authority of 46 USC 103–109;

(2) Displays either the number of that numbered vessel followed by the suffix "1"; or, if documented, the name of the documented vessel followed by the suffix "1", in the manner prescribed in § 173.27; and

* * * * *

2. By revising § 173.27(d) to read as follows:

§ 173.27 Numbers: Display; size; color.

* * * * *

(d) Each number displayed on a tender exempted under § 173.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number (Example: DC 5678 EF 1 or DC–5678–EF–1), or, if displayed on a tender to a documented yacht, between the suffix and the name of the yacht (Example: SEA WITCH 1 or SEA WITCH–1).

3. By revising § 173.55 (a) (2) and (3) and (b) (2) and (3) to read as follows:

§ 173.55 Report of Casualty or Accident.

(a) * * *

(2) A person is injured and unable to perform normal functions or usual activities for more than 24 hours;

(3) Damage to the vessel and other property totals more than $200; or

* * * * *

(b) * * *

(2) Within 48 hours of the occurrence if a person is injured and unable to perform normal or usual activities for more than 24 hours, or disappears from a vessel; and

(3) Within 10 days of the occurrance or death if an earlier report is not required by this paragraph.

* * * * *

4. By revising subparagraph (a)(10) of § 174.17 to read as follows:

§ 174.17 Documents of application for certificate of number.

(a) * * *

(10) Year vessel was manufactured, or model year, or both, consistent with the information provided on the application.

* * * * *

5. By revising § 174.101 (b) to read as follows:

§ 174.101 Applicability of state casualty reporting system.

* * * * *

(b) The state casualty reporting system may require vessel casualty or accident reports resulting in property damage of less than $200.

6. By revising § 174.103 (c) and (d) to read as follows:

§ 174.103 Administration.

* * * * *

(c) Reviews each accident and casualty report to assure the accuracy and completeness of each report;

(d) Determines the cause of casualties and accidents reported; and indicates the cause on the casualty report or on an attached page;

* * * * *

(46 USC 1467, 1468, and 1486; 49 CFR 1.46 (n)(1).)

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

Dated: October 21, 1977.

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

[FR Doc.77–32645 Filed 11–9–77;8:45 am]

federal register

THURSDAY, NOVEMBER 10, 1977

PART VI

CONSUMER PRODUCT SAFETY COMMISSION

■

COMMISSION INVOLVEMENT IN STANDARDS ACTIVITIES

General Statement of Policy

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

General Statement of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of policy.

SUMMARY: The Commission issues a statement of policy concerning Commission participation in the development of voluntary consumer product safety standards and the role of voluntary standards in the development of mandatory standards by the Commission. The policy provides for three levels of Commission involvement in voluntary standards activities: liaison, monitoring and participating. It describes the level of support the Commission will offer to voluntary standards activities and establishes guidelines for Commission participation. It also addresses the situation where the Commission is considering development of a mandatory standard and there is an existing voluntary standard or a voluntary standard under development.

EFFECTIVE DATE: Policy now in effect.

COMMENT DATE: Written comments on the policy statement, preferably in five copies, should be submitted to the Commission by January 9, 1978.

ADDRESSES: Written comments should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material relevant to this policy statement, including any comments that may be received, may be seen in, or copies obtained from, the Office of the Secretary, 3rd floor, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Donald R. MacKay, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION: The purpose of this document is to issue and solicit public comments on a statement of policy for Consumer Product Safety Commission participation in the development of voluntary consumer product safety standards, and the role of voluntary standards activities in the development of mandatory standards by the Commission.

The Commission recognizes that there are many voluntary standard development activities that are directed toward the establishment of safety specifications for consumer products, both at the domestic level and at the international level. Such activities were reviewed in 1968-1970 by the National Commission on Product Safety, which reached generally critical conclusions regarding the performance of the voluntary standards system in the field of consumer product safety. However, it is the Commission's perception that voluntary standards organizations have made progress since 1970 in the development of voluntary standards. For example, there has been an increase in the involvement of consumers in the development and review of voluntary standards for consumer products, procedures have been used to expedite the development of voluntary safety standards, a number of substantive revisions in existing voluntary consumer product safety standards have been made, and new standards have been established to better address risks of injury associated with consumer products.

The Commission thus recognizes the contribution which voluntary standards have made to increase consumer product safety and will not ignore the potential future contributions which voluntary standards can make in reducing hazards associated with consumer products. While there might be circumstances in which a particular voluntary standard can substitute for a mandatory standard, the Commission generally views voluntary standards as complementary to and not a substitute for mandatory standards. The Commission realizes that mandatory standards generally can only address unreasonable risks of injury associated with a product but that voluntary standards can address any level of risk of injury. Therefore, the Commission believes that a proper combination of voluntary and mandatory standards can have a higher "payoff" in increased product safety than either mandatory or voluntary activities alone will have. Moreover, the Commission believes that by encouraging the development and use of voluntary safety standards, the level of product safety in the marketplace can be increased with a relatively small expenditure of Commission resources, particularly when compared to the resources necessary to issue mandatory safety standards for consumer products.

And finally, even though the Commission supports an effective voluntary standards program, encourages the initiation and development of safety standards, and supports the adoption and use of such standards, it does not give up the option to promulgate a consumer product safety rule in accordance with the provisions of the Consumer Product Safety Act, and the other acts which the Commission administers.

A. EXTENT AND FORM OF COMMISSION INVOLVEMENT IN THE DEVELOPMENT OF VOLUNTARY STANDARDS

The extent of Commission involvement in the development and support of voluntary safety standards for consumer products will be dependent upon the Commission's interest in the particular standards development activity.

The Commission's interest in a specific voluntary standards activity will be based in part on the frequency and severity of injuries associated with the product, the involvement of the product in the accident, the susceptability of the hazard to correction through standards, and the overall priorities of the Commission. Commission involvement in voluntary standards activities generally will also be guided by the Commission's Operating Plan, budget documents and hazard index. There are three levels of Commission interactions in voluntary standards activities, each of which reflects a different level of Commission involvement as set forth below:

(1) *Liaison.* Liaison involves responding to requests from voluntary standards organizations, standards development committees, trade associations and consumer organizations, by providing information concerning the risks of injury associated with particular products, NEISS data, summaries and analyses of in-depth investigation reports; discussing Commission goals and objectives with regard to voluntary standards and improved consumer product safety; responding to requests for information concerning Commission programs; and initiating contacts with voluntary standards organizations to discuss cooperative voluntary standards activities. Responding to requests for liaison may include the attendance of Commission staff at two or three meetings of an outside organization. Attendance by Commission staff at more than three such meetings will be considered "monitoring" or "participation" and will require appropriate approval of the Executive Director or the Commission.

(2) *Monitoring.* Monitoring involves maintaining an awareness of the voluntary standards development process through oral or written inquiries, receiving and reviewing minutes of meetings and copies of draft standards, and attending meetings for the purpose of observing and commenting during the standards development process.

(3) *Participating.* Participating involves regularly attending meetings of the standards development committee or group and taking an active part in the discussions of the committee and in developing the standard, in accordance with the Commission's policy published in 16 CFR 1031. Under certain conditions, the Commission will contribute to the deliberations of the committee by expending resources to provide technical assistance including research, engineering support, and information and education programs which would support the development and implementation of voluntary standards.

B. DETERMINATION OF COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

(1) The Executive Director shall approve Commission activities that are within the definitions of "liaison" and "monitoring". The Office of Program Management is responsible for preparing a quarterly summary of such activities for the Commission. The summary shall set forth, among other things, voluntary standards meetings attended, dates of the meetings, staff members in attendance, location of the meetings, and the status of the CPSC involvement.

(2) The Commissioners shall approve activities that are within the definition of "participation."

C. COMMISSION SUPPORT OF VOLUNTARY STANDARDS DEVELOPMENT

The Commission's support of voluntary safety standards development activities may include any one or a combination of actions. The level of support will be dependent upon the degree of Commission involvement as described in (A) above. These actions may include:

(1) Providing epidemiological information and explanations of hazards for consumer products.

(2) Encouraging the initiation of the development of voluntary standards for specific consumer products.

(3) Identifying specific risks of injury to be addressed in voluntary standards.

(4) Performing or subsidizing technical assistance, including research and engineering support, in the development of a voluntary standards activity in which the Commission is participating.

(5) Providing assistance on methods of disseminating information and education about the voluntary standard or its use.

(6) Performing a staff evaluation of a voluntary standard to determine its adequacy and efficacy in reducing the risks of injury that have been identified by the Commission as being associated with the use of the product.

(7) Encouraging state and local governments to reference or incorporate the provisions of a voluntary standard in regulations or ordinances.

8. Monitoring the conformance of products subject to a voluntary safety standard.

(9) Listing voluntary standards that address specific hazards associated with the use of consumer products.

(10) Taking other actions that the Commission believes appropriate in a particular situation.

D. GUIDELINES FOR COMMISSION PARTICIPATION IN VOLUNTARY STANDARDS ACTIVITIES

The Commission will consider the extent to which the following criteria are met in evaluating requests for staff participation in the development of voluntary safety standards for consumer products:

(1) Openness to all interested parties and procedures which will provide for meaningful participation by representatives of producers, distributors, consumers, and general interests, with appropriate meaningful representation for small business and ultimate consumers. Meaningful representation by consumers and small business means, as a minimum, that among those representing such points of view are individuals having technical expertise in the areas under consideration.

(2) Preclusion to the maximum extent possible of the incorporation of requirements which will create undue anticompetitive effects or promote restraints of trade.

(3) Provisions for periodic and timely review of the standard, including review for anti-competitive effects, and revision or amendment as the need arises.

(4) Performance-oriented and not design-restrictive requirements to the maximum practical extent in any standards developed.

(5) Degree of industry conformance to the voluntary standard once it is issued, and ascertainability of conformance.

(6) Provisions in the standard for marking products conforming to the standard so that future in-depth investigation reports of the Commission can indicate the involvement of such products in accidents and injury patterns.

(7) Provisions for insuring that products identified as conforming to such standards will be subjected to a testing and certification (including self-certification) procedure which will provide assurance that the products conform to the standard.

E. EFFECT OF VOLUNTARY STANDARDS ACTIVITIES ON COMMISSION ACTIVITIES

(1) *Existing voluntary standards.* The Commission, in determining whether to begin proceedings to develop mandatory standards under the acts it administers, considers whether mandatory regulation is necessary. In determining whether mandatory regulation is necessary, it considers whether there is an existing voluntary standard that adequately addresses the problem and the extent to which that voluntary standard is conformed to by the affected industry.

The Commission acknowledges that there are situations in which adequate voluntary standards in combination with independent certification programs may support a conclusion that a mandatory standard is not necessary. The Commission may find that a mandatory standard is not necessary where an existing voluntary standard appears to be reasonably adequate to eliminate or reduce the risk of injury associated with the product, contains requirements and test methods that have been evaluated and found acceptable by the Commission, and there is a sufficiently high degree of conformance to the voluntary standard. Under such circumstances, the Commission may agree to encourage conformance to the voluntary standard and subsequently evaluate the effectiveness of the standard in terms of accident and injury reduction for products produced in conformance with the standard.

In evaluating voluntary standards, the Commission will relate the requirements of the standard to the identified risks of injury and evaluate the requirements in terms of their effectiveness in eliminating or reducing the risks of injury. The evaluation of voluntary standards will be conducted by Commission staff members, including representatives of legal, epidemiological, engineering, and human factors interests. The staff evaluation will be conducted in a manner similar to evaluations of standards being considered for promulgation as mandatory standards.

(2) *Voluntary standards under development.* As a general rule, once the Commission has made a determination to commence a standard development proceeding under section 7 of the CPSA, it will not delay the commencement of mandatory rulemaking in order to permit an outside party to develop a voluntary standard. The Commission believes that such a policy would simply encourage industries to relay work on voluntary standards until mandatory government action seemed likely. However, the Commission may consider delaying the initiation of a mandatory standard if there is clear evidence to show that development of a voluntary standard that adequately addresses the risk of injury presented by a consumer product was commenced prior to a Commission determination that a product presents an unreasonable risk of injury and development of the voluntary standard will be completed expeditiously. Under such circumstances, the Commission may agree to support and participate in the development of that voluntary standard.

(3) *Deferral of mandatory standards.* The Commission will consider, on a case-by-case basis, the submission of a voluntary standard, for evaluation, and for a commitment to defer mandatory standards development for the product addressed by the voluntary standard. For purposes of this policy, such a "commitment" shall be a Commission decision—revocable at any time—to refrain from commencing mandatory standards development for a specified period of time, not to exceed three (3) years, based upon a finding by the Commission that the voluntary standard adequately reduces risk(s) of injury associated with a product and that the standard was drafted in a manner such that the criteria in section D of this policy were satisfactorily met.

(4) *Development of mandatory standards.* The Commission will consider those provisions of a voluntary standard that have been reviewed, evaluated, and deemed to be adequate in addressing the specified unreasonable risks of injury when initiating a mandatory standard development proceeding under section 7 of the Consumer Product Safety Act. Comments will be requested in the Notice of Proceeding on the adequacy of those provisions and the offerors will be encouraged to accept those provisions deemed adequate and to develop other provisions deemed necessary to complete the proposed regulation.

F. ATTENDANCE AT MEETINGS

All meetings between Commission personnel and outside organizations shall be subject to the Commission's open meetings policy, 16 CFR 1012. The approval and authorization for attendance of Commission staff at meetings of standards groups and the participation of staff members in standards development activities shall be in accordance with the policy on "Employee Membership and Participation in Voluntary Standards Organization", 16 CFR 1031.

Interested persons are invited to submit by January 9, 1978 written comments regarding this policy statement. Comments and any accompanying material should be submitted, preferably in 5 copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All materials relevant to this policy statement including any comments that may be received, may be seen in, or copies obtained from the Office of the Secretary, 3rd floor, 1111 18th Street, NW., Washington, D.C. The Commission, after evaluating comments on the policy statement, may make changes in the statement in response to the comments.

Dated: November 7, 1977.

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

[FR Doc.77-32586 Filed 11-9-77;8:45 am]