AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.42—No.246
12–22–77

PAGES
64099–64334

federal register

THURSDAY, DECEMBER 22, 1977



highlights

IMPORTANT NOTICE TO FEDERAL AGENCIES
For information on new billing codes required on all documents submitted for publication in the Federal Register after October 1, 1977, see back cover of this issue.

SUNSHINE ACT MEETINGS 64214

JEROME K. KUYKENDALL
Executive order exempting Mr. Kuykendall from mandatory retirement 64099

INTERNATIONAL INVESTMENT SURVEY ACT OF 1976
Commerce/EDA regulates reports on international transactions in royalties and fees with unaffiliated foreign residents and establishes regulations for direct investment surveys; effective 12–22–77 (Part VI of this issue) 64314

HAZARDOUS SUBSTANCES AND ARTICLES
CPSC establishes technical requirements for toys and articles intended for use by children under 8 years of age; effective 12–22–78 (Part III of this issue) 64288

PHYSICAL PROTECTION OF PLANTS AND MATERIALS
NRC clarifies alarm response requirements for onsite guards to protect special nuclear material from theft and licensed plants from industrial sabotage; effective 1–23–78 64103

HARRY S TRUMAN SCHOLARSHIP PROGRAM
Harry S Truman Foundation issues regulations governing the annual competition; effective 2–1–78 (Part IV of this issue) 64298

ACCOUNTANTS
SEC issues rules and administrative determinations for accountants who audit and report on financial statements (Part V of this issue) 64304
SEC proposes qualifications for accountants; comments by 1–31–78 (Part V of this issue) 64311

FREEDOM OF INFORMATION ACT
USDA/FMHA redesignates and revises the manner in which information may be obtained; effective 12–22–77 64102

INTEREST ON DEPOSITS
FDIC amends interest rate differential on loans secured by time or savings deposits; effective 12–22–77 64108

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

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

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

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

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

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202**–783–3238
Subscription problems (GPO)	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5286
Weekly Compilation of Presidential Documents.	523–5284
Public Papers of the Presidents	523–5285
Index	523–5285

PUBLIC LAWS:

Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
Index	523–5266
	523–5282
U.S. Government Manual	523–5287
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

LABOR CONTRACT PROVISIONS
DOT/FAA incorporates new standards involving apprenticeship and training programs which must be employed in airport aid grant construction contracts; effective 12–27–77 ..... **64114**

PRIVACY ACT
TVA adopts routine use for two systems of records; effective 12–22–77 ..... **64167**

SCHOOL BUS PASSENGER SEATING AND CRASH PROTECTION
DOT/NHTSA issues interim amendment extending maximum seat spacing; effective 12–27–77 ..... **64119**
DOT/NHTSA issues proposal extending maximum seat spacing; comments by 3–27–78 ..... **64136**

NATIONAL WILDLIFE REFUGE SYSTEM
Interior/FWS establishes procedures for filing appeals; effective 1–30–78 ..... **64120**

OXYGEN RESUSCITATORS ON CHEMICAL TANKERS
DOT/CG issues proposal amending requirement to allow tankers to carry a cardiopulmonary resuscitation (CPR) demand-valve, oxygen-powered resuscitator as an alternative to the bag valve mask manual resuscitators; comments by 2–6–78 ..... **64134**

TECHNICAL STANDARDS
USDA/SCS issues proposal describing the development and availability of its technical standards for conservation practices; comments by 3–1–78 ..... **64122**

CERTAIN WOOL TEXTILE PRODUCTS FROM COLOMBIA
CITA announces import restraint levels under the new category system; effective 1–1–78 ..... **64142**

COMMERCIAL FISHING OPERATIONS
Commerce/NOAA exempts Nicaragua from the importation prohibition provisions affecting yellowfin tuna and tuna products; effective 12–22–77 ..... **64121**

ANTIDUMPING
Treasury/Customs makes public a finding of dumping with respect to animal glue and inedible gelatin from West German, Netherlands, Sweden and Yugoslavia (4 documents) **64115, 64116**

MEETINGS—
Commerce/Industry and Trade Administration: Computer Systems Technical Advisory Committee, 1–13–78 ..... **64140**
Electronic Instrumentation Technical Advisory Committee, 1–10–78 ..... **64141**
NOAA: South Atlantic Fishery Management Council, 2–28 thru 3–2–78 ..... **64141**
DOE/Energy Technology Office: Fossil Energy Advisory Committee, 1–12–78 ..... **64144**
Fossil Energy Advisory Committee, Hot Gas Cleanup Technology Subcommittee, 1–11–78 ..... **64144**
DOT/FAA: Air Traffic Procedures Advisory Committee, 1–10 thru 1–12–78 ..... **64167**
Radio Technical Commission for Aeronautics, Special Committee 135, 1–17 and 1–18–78 ..... **64167**
FHA: National Advisory Committee on Uniform Traffic Control Devices, 1–12 and 1–13–78 ..... **64168**
OPSO: Technical Pipeline Safety Standards Committee, 1–17 and 1–18–78 ..... **64173**
Treasury/Secy: Debt Management Advisory Committees, 1–23 thru 1–25–78 ..... **64174**
HEW/NIE: Panel for the Review of Laboratory and Center Operations, 1–7 thru 1–9–78 ..... **64147**
OE: National Advisory Council on Indian Education, 1–6 and 1–7–78 ..... **64147**

HUD/Secy: Task Force on Tenant Participation in the Management of Low-Income Public Housing, 1–6 thru 1–9–78 64148
Interior/BLM: Study of Fees for Grazing Livestock on Federal Lands, 1–24 and 1–26–78 64151
NFA&H: Education Programs Panel Advisory Committee, 1–4 and 1–5–78 64157
Planning Office Panel Advisory Committee, 1–12 and 1–13–78 64158
Public Programs Panel Advisory Committee (4 documents); 1–5, 1–6, 1–9 thru 1–12–78 ..... 64158, 64159
NSF: Advisory Committee for Environmental Biology, Subcommittee on Ecological Sciences, 1–19 and 1–20–78 64159
Advisory Committee for Ocean Sciences, Ad hoc Subcommittee on SEATAR Project Review, 1–12 and 1–13–78 64159
State: Folk Music and Jazz Advisory Panel, 1–17–78 64164
USDA/AMS: Hop Marketing Advisory Board, 1–17–78 64139

CANCELLED MEETINGS—

NSF: NSF Advisory Council, Task Group #1, 1–6–78 64159

SEPARATE PARTS OF THIS ISSUE

Part II, HUD/FIA 64276
Part III, CPSC 64288
Part IV, Harry S Truman Foundation 64298
Part V, SEC 64304
Part VI, Commerce/EDA 64314
Part VII, DOD 64322

reminders

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

Rules Going Into Effect Today

HEW/FDA—Penicillin; updating and technical revisions 59852; 11–22–77

List of Public Laws

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

H.R. 9378 ..... Pub. L. 95–214
An Act to amend title IV of the Employee Retirement Income Security Act of 1974 to postpone, for two years, the date on which the corporation first begins paying benefits under terminated multiemployer plans. (Dec. 19, 1977; 91 Stat. 1501). Price: $.50.

H.R. 9418 ..... Pub. L. 95–215
An Act to amend the conditions for schools receiving capitation grants under section 770 of such Act, and for other purposes. (Dec. 19, 1977, 91 Stat. 1503). Price: $.60.

S. 305 ..... Pub. L. 95–213
An Act to amend the Securities Exchange Act of 1934 to make it unlawful for an issuer of securities registered pursuant to section 12 of such Act or an issuer required to file reports pursuant to section 15(d) of such Act to make certain payments to foreign officials and other foreign persons, to require such issuers to maintain accurate records, and for other purposes. (Dec. 19, 1977; 91 Stat. 1494). Price: $.60.

H.R. 9346 ..... Pub. L. 95–216
"Social Security Amendments of 1977". (Dec. 20, 1977; 91 Stat. 1509). Price: $1.80.

contents

THE PRESIDENT

Executive Orders

Jerome K. Kuykendall; exemption from mandatory retirement 64099

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
- Brasilia; Affairs Officer; contracting functions 64164
- Egypt; Deputy Assistant Secretary of State for foreign buildings; office space 64165
- Ethiopia; Mission Director; contracting functions 64165
- Kenya; Mission Director; contracting functions 64166
- Nigeria; Affairs Officer; contracting functions 64164
- Sri Lanka; Representative; contracting functions 64165
- Thailand; Mission Director; loan agreements, etc 64166
- Zaire; Mission Director; contracting functions 64166

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (navel) grown in Ariz. and Calif 64101

Proposed Rules

Dates (domestic) produced in California 64122

Notices

Meetings:
- Hop Marketing Advisory Board .. 64139

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service; Soil Conservation Service.

Rules

Meat imports limitation:
- Costa Rica, Australia, and New Zealand; correction 64101

AIR FORCE DEPARTMENT

Notices

Privacy Act; systems of records ... 64322

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
- Pan American World Airways, Inc., et al 64152

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
- Education Programs Panel Advisory Committee 64157
- Planning Office Panel Advisory Committee 64158
- Public Programs Panel Advisory Committee (4 documents) 64158, 64159

COAST GUARD

Proposed Rules

Dangerous cargoes:
- Self-propelled vessels carrying hazardous liquids; safety standards; oxygen resuscitators on chemical tankers 64134

COMMERCE DEPARTMENT

See Economic Analysis Bureau; Economic Development Administration; Industry and Trade Administration; National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Proposed Rules

Loan and purchase programs:
- Cotton, upland and extra long staple 64126

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Hazardous substances and articles; administration and enforcement:
- Toys causing laceration injury; technical requirements for children's articles 64288

CUSTOMS SERVICE

Rules

Antidumping:
- Animal glue and inedible gelatin from Netherlands 64115
- Animal glue and inedible gelatin from Sweden 64116
- Animal glue and inedible gelatin from West Germany 64116
- Animal glue and inedible gelatin from Yugoslavia 64116

DEFENSE DEPARTMENT

See also Air Force Department; Navy Department.

Notices

Privacy Act; systems of records ... 64322

ECONOMIC ANALYSIS BUREAU

Rules

International transactions in royalties and fees with unaffiliated foreign residents, reports on; direct investment surveys 64314

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
- PLP Sportswear, Inc 64140

EDUCATION OFFICE

Notices

Meetings:
- Indian Education National Advisory Council 64147

ENERGY DEPARTMENT

See also Energy Technology Office; Federal Energy Regulatory Commission.

Rules

Petroleum allocation and price rules:
- Interpretations; appendix; correction 64104

ENERGY TECHNOLOGY OFFICE

Notices

Meetings:
- Fossil Energy Advisory Committee (2 documents) 64144

ENVIRONMENTAL PROTECTION AGENCY

Notices

Air pollution; standards of performance for new stationary sources:
- Georgia; authority delegation .. 64145

Pesticide programs:
- Lindane, pesticide products containing; rebuttable presumption against registration and continued registration; correction 64145

Pesticide registration:
- Rhodia Oxadiazon Technical .. 64145

FARMERS HOME ADMINISTRATION

Rules

Drought stricken areas, special assistance 64101

Freedom of information 64102

Notices

Disaster and emergency areas:
- Louisiana 64139
- Texas 64139

FEDERAL AVIATION ADMINISTRATION

Rules

Airport aid program:
- Labor contract provisions 64114

Airworthiness directives:
- DeHavilland 64111
- McCauley 64109
- Piper 64110
- Ted Smith Aerostar 64111

Transition areas (5 documents) .. 64112, 64113

Proposed Rules

Control zone and transition area .. 64134

Transition areas (8 documents) .. 64127–64132

VOR Federal airways (2 documents) 64130, 64133

Notices

Committees; establishment, renewals, terminations, etc.:
- Air Traffic Procedures Advisory Committee 64167

Meetings:
- Aeronautics Radio Technical Commission 64167
- Air Traffic Procedures Advisory Committee 64167

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Interest on deposits:
- Rate differential on loans secured by time of savings deposits 64108

Loans in special flood hazard areas 64109

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
El Paso Natural Gas Co..... 64143

FEDERAL HIGHWAY ADMINISTRATION

Notices

Meetings:
Uniform Traffic Control, National Advisory Committee... 64168

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National:
Communities eligible for sale of insurance 64117

Proposed Rules

Flood Insurance Program, National:
Flood elevation determinations, etc. (18 documents) 64276–64284

FEDERAL RESERVE SYSTEM

Rules

Truth-in-lending:
Official staff interpretations.... 64106

Notices

Applications, etc.:
Ewing Agency, Inc..... 64146
First Gothenburg Bancshares, Inc 64146
Hawarden Bancshares, Inc.... 64146
Western Banks of Wyoming.... 64146

FEDERAL TRADE COMMISSION

Proposed Rules

Procedures and practice rules:
Investigations, disclosure of; withdrawn 64135

FISH AND WILDLIFE SERVICE

Rules

Administrative provisions; permits, appeals procedures..... 64120

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Siuslaw National Forest, Hebo Planning Unit Land Management Plan, Oreg..... 64139

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (NRC).. 64146

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; National Institute of Education.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Disaster Assistance Administration; Federal Insurance Administration.

Notices

Meetings:
Tenant Participation in Management of Low-Income Public Housing Task Force..... 64148

INDUSTRY AND TRADE ADMINISTRATION

Notices

Meetings:
Computer Systems Technical Advisory Committee..... 64140
Electronic Instrumentation Technical Advisory Committee 64141

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Hearing assignments..... 64174
Motor carriers:
Irregular route property carriers; gateway elimination... 64177
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 64188
Petitions filing:
Southern Motor Carriers Rate Conference, Inc..... 64176
Railroad car service rules, mandatory; exemptions..... 64175
Rerouting of traffic:
Chicago, Milwaukee, St. Paul and Pacific Railroad Co..... 64175
Transfer proceedings..... 64176

JUSTICE DEPARTMENT

See also Antitrust Divison, Justice Department.

Rules

Conduct standards..... 64118

LAND MANAGEMENT BUREAU

Rules

Land disposition:
Alaska native selections; application deadline extension.... 64119

Notices

Applications, etc.:
Colorado 64151
New Mexico (4 documents).... 64151, 64152
Wyoming 64151
Grazing fees; meetings..... 64151
Motor vehicles, off-road, etc.; area closures:
New Mexico..... 64152
Survey plat filings:
Idaho 64148
Withdrawal and reservation of lands, proposed, etc.:
Arizona (3 documents)... 64148–64150

MATERIALS TRANSPORTATION BUREAU

Proposed Rules

Pipeline transportation of gas or liquid; meeting; cross reference 64136

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Fuel economy, passenger cars, 1978–1980; reduction of standards; correction..... 64119
Motor vehicle safety standards:
School bus passenger seating and crash protection..... 64119

Proposed Rules

Motor vehicle safety standards:
School bus passenger and crash protection; seat spacing.... 64136

Notices

Fuel economy standards, average; passenger cars, 1978–1980 model years; exemptions (3 documents 64168–64171

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings:
Laboratory and Central Operations Review Panel..... 64147

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Marine mammals:
Importation and taking; yellowfin tuna and products..... 64121

Proposed Rules

Marine mammals:
Pribilof Islands, administration; wildlife research..... 64138

Notices

Endangered species permits; applications 64142
Marine mammal permit applications, etc.:
Mammals of Sea Research Association 64141
Meetings:
South Atlantic Fishery Management Council..... 64141

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Environmental Biology Advisory Committee 64159
Ocean Sciences Advisory Committee 64159
National Science Foundation Advisory Council; cancellation 64159

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc..... 64161

NAVY DEPARTMENT

Notices

Privacy Act; systems of records... 64322

NUCLEAR REGULATORY COMMISSION

Rules

Plants and materials, physical protection:
Guard force response to alarm.. 64103

Notices

Applications, etc.:
Connecticut Yankee Atomic Power Co. 64160
Detroit Edison Co. 64159
Northern States Power Co. 64160
Portland General Electric Co. et al. (2 documents) 64160

OHIO RIVER BASIN COMMISSION

Notices

Comprehensive Coordinated Joint Plans; availability of reports:
Kanawha River Basin 64163
Scioto River Basin 64163

PIPELINE SAFETY OPERATIONS OFFICE

Notices

Meetings:
Technical Pipeline Safety Standards Committee 64173

SECURITIES AND EXCHANGE COMMISSION

Rules

Interpretative releases:
Accounting matters; independence of accountants, interpretations and guidelines 64304

Proposed Rules

Financial statements, Securities Act, Securities Exchange Act, etc.:
Accountants, qualifications of 64311

Notices

Securities Act and Securities Exchange Act; small businesses, raising capital, etc.; hearings 64163

SOIL CONSERVATION SERVICE

Proposed Rules

Technical standards; development and availability for conservation practices 64122

Notices

Watershed planning assistance; authorization to local organizations 64140

STATE DEPARTMENT

See also Agency for International Development.

Notices

Meetings:
Folk Music and Jazz Advisory Panel 64164

TELECOMMUNICATIONS POLICY OFFICE

Notices

Meetings:
Electromagnetic Radiation Advisory Council; report availability 64163

TENNESSEE VALLEY AUTHORITY

Notices

Privacy Act; systems of records 64167

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Wool textiles:
Colombia 64142

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration; Pipeline Safety Operations Office.

TREASURY DEPARTMENT

See also Customs Service.

Notices

Antidumping:
Carbon steel wire rod from United Kingdom 64173
Meetings:
Debt management advisory committees 64174

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

Rules

Scholarship program 64298

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

3 CFR

EXECUTIVE ORDERS:
12031 64099

7 CFR

16 64101
907 64101
1813 64102
1888 64101
2018 64102

PROPOSED RULES:
653 64123
987 64122
1427 64126

10 CFR

73 64103
205 64104

12 CFR

226 64106
329 64108
339 64109

14 CFR

39 (4 documents) 64109–64111
71 (5 documents) 64112, 64113
152 64114

14 CFR—Continued

PROPOSED RULES:
71 (11 documents) 64127–64134

15 CFR

803 64314
806 64314

16 CFR

1500 64288

PROPOSED RULES:
4 64135

17 CFR

211 64304

PROPOSED RULES:
210 64311

19 CFR

153 (4 documents) 64115, 64116

24 CFR

1914 64117

PROPOSED RULES:
1917 (18 documents) 64276–64284

28 CFR

45 64118

43 CFR

Ch. II 64119

45 CFR

1801 64298

46 CFR

PROPOSED RULES:
153 64134

49 CFR

527 64119
571 64119

PROPOSED RULES:
192 64136
195 64136
571 64136

50 CFR

25 64120
216 64121

PROPOSED RULES:
215 64138

CUMULATIVE LIST OF PARTS AFFECTED DURING DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Ch. I 61029

3 CFR

PROCLAMATIONS:

4542 62467

EXECUTIVE ORDERS:

11342 (Revoked by EO 12029) 63631
11491 (Amended by EO 12027) 61851
11541 (Amended by EO 12027) 61851
11636 (Amended by EO 12027) 61851
11769 (Revoked by EO 12024) 61445
11861 (Amended by EO 12025) 61447
11948 (Amended by EO 12029) 63631
11954 (Amended by EO 12030) 63633
12021 61237
12022 61441
12023 61443
12024 61445
12025 61447
12026 61849
12027 61851
12028 62895
12029 63631
12030 63633
12031 64099

REORGANIZATION PLANS:

No. 1 of 1977 (See EO 12028) 62895
No. 2 of 1977 62461

5 CFR

213 ..... 61239, 61240, 62587, 62139, 62140, 62469, 63379, 63767–63770
332 61240
831 61240

7 CFR

2 61029
16 ..... 62491, 64101
17 63163
25 62387
25A 62387
26 61987
105 61030
271 61240
725 61587
728 62470
729 61588
730 62470
751 62470
777 62470
905 ..... 61590, 61853, 62470, 63635, 63881
907 ..... 61030, 61991, 63163, 63379, 64101
909 63635
910 ..... 61242, 62140, 63379
911 63636
915 63636
987 61591
989 63881
1133 61449
1421 63380
1464 ..... 61591, 61592, 62393
1813 64102
1822 61243
1888 64101
1901 62141
2018 64102
2851 63381

PROPOSED RULES:

26 61473
622 61599

7 CFR—Continued

PROPOSED RULES—Continued

653 64122
726 63790
Ch. IX 61599
912 63426
913 63426
916 63646
917 63646
928 ..... 61867, 62012
959 ..... 61474, 61867
967 63178
980 63894
987 64122
1001 62444
1004 63178
1421 63895
1427 64126
1701 61279

8 CFR

212 61449

PROPOSED RULES:

242 63426
244 63427

9 CFR

73 ..... 61245, 61246
79 63384
92 63384
97 63770
101 63770
113 61246
331 62143
381 62143

PROPOSED RULES:

317 61279
381 61279

10 CFR

9 ..... 62125, 62471
40 61853
73 64103
205 ..... 61271, 64104
211 ..... 61853, 62897
212 ..... 62125, 62897
450 61991
1000 61856

PROPOSED RULES:

211 ..... 62493, 63896
214 ..... 62493, 63896

12 CFR

202 62903
217 61247
226 ..... 61248, 64106
329 64108
335 61249
339 64109
511 61250
545 61450
701 61977

PROPOSED RULES:

Ch. I 62145
7 61058
201 63897
226 62146
614 63179
615 63179

13 CFR

104 63636
118 61857
122 61857
123 61031
315 62904

PROPOSED RULES:

107 ..... 61284, 61869
111 62012
120 63898

14 CFR

39 ..... 61034–61036, 61993, 61995–61997, 62357, 63164, 63165, 63637, 64109–64111
71 ..... 61036–61038, 61998, 61999, 62358, 62359, 63167, 63168, 64112, 64113
73 ..... 61038, 62360
75 ..... 61039, 62000, 62359, 62360
97 ..... 61039, 63638
152 64114
207 61251
298 62904
370 63385
385 61858

PROPOSED RULES:

21 ..... 61048, 62400, 63646
36 ..... 62400, 63646
39 ..... 61048, 62014, 62398, 63180, 63646
71 ..... 61049, 62015–62017, 62399, 63181, 64127–64134
73 ..... 61049, 63181
75 62017
91 ..... 62400, 63646
137 62400
221 61870
298 62930
300 63898
369 61408
371 61420
372 61420
372a 61420
373 61420
378 61420
378a 61420

15 CFR

13 62907
30 63385
303 62907
370 62911
372 62911
373 62911
374 62911
375 62911
376 62361
377 61253
399 62911
803 64314
806 64314

16 CFR

1 61858
3 61450
4 62912
13 ..... 61450, 61858, 62912, 63385, 63640, 63883
800 63883
1145 ..... 63354, 63730
1201 61859

16 CFR—Continued
1302 63731
1304 63362
1305 63364
1500 61593, 63742, 64288
1700 62363
PROPOSED RULES:
4 64135
416 62146
438 62496, 63791
441 61871
1120 63183
1145 63183
1201 63586
1402 61612
1500 63899
1510 63899

17 CFR
32 61831
200 62127
211 64304
240 62128
249 63883
270 63722
PROPOSED RULES:
1 62147, 63427, 63899
17 62147
18 62147
210 63578, 64311
240 63066

18 CFR
PROPOSED RULES:
2 62018, 62496
154 62018, 62496

19 CFR
101 61860, 63183
141 62364
153 63887, 64115, 64116
PROPOSED RULES:
200 61871

20 CFR
501 62471
602 62133
603 62133
620 62133
651 62134
653 62134
658 62134
PROPOSED RULES:
601 61818, 63791
615 61834
619 61842, 63791
640 62159
654 63428

21 CFR
73 61254, 62129, 63386
74 62129, 62472
81 61254, 62129, 62472–62478, 63386
82 62472, 62475
133 62130
175 61254
176 62130
177 61254, 61594
178 61254
193 62131
250 63771
310 63386
436 61255
510 63387, 63773
520 61255, 61594, 63773
522 61256
524 63388
540 61255
546 61256
556 61256
558 61256
570 62130
660 61257, 63389

21 CFR—Continued
701 61257
1005 62130
1010 61257
1020 61257
PROPOSED RULES:
16 61285
52 61285
71 61285
81 62497
101 61285, 62159, 62282
130 62282
133 63431
145 62160, 62282
150 62160
155 62282
170 61285
171 61285
172 62160
180 62160
189 62160
207 61287
310 61285, 62160
312 61285
314 61285
320 61285
330 61285
344 63556
430 61285, 62160
431 61285
510 61285, 62160
511 61285
514 61285
570 61285
571 61285
589 62160
601 61285, 61613, 62162
607 61287
610 61613, 62162
630 61285
650 61613
700 62160
701 61285
807 61287
1010 61285
1308 63647

22 CFR
41 61451
PROPOSED RULES:
216 63900

23 CFR
PROPOSED RULES:
620 61050
628 61474

24 CFR
115 63424
221 62131
236 62131
812 63744
880 63744
881 63744
882 63745
883 63745
886 63745
1914 61451, 64075, 64117
1915 61544, 64068, 64075
1916 62365, 62366
1917 61804, 63708–63719, 63870–63879, 64068–64074
1920 61804, 63340–63341, 64078, 64079
PROPOSED RULES:
280 61966
1917 61806–61815, 61952–61963, 63046–63055, 63342–63351, 64276–64284

25 CFR
177 63394

25 CFR—Continued
PROPOSED RULES:
231 62394

26 CFR
1 61595, 63410, 63640
301 63411
404 63418, 63419
PROPOSED RULES:
1 61613, 62932, 62934, 63648, 63791, 63903
310 63431

28 CFR
0 63169
2 63773
14 62000
20 61595
0 63169
5 62132
40 62133
45 64118
94 61822, 62316
97 62316
97b 61822
2510 61258
PROPOSED RULES:
522 64082
524 64082
527 64082
542 64082
544 64082
549 64082
551 64082
1904 61615
1910 62734, 62892
2617 61051

29 CFR
1952 63422
PROPOSED RULES:
522 63434
525 63436

30 CFR
700 62675
710 62677
715 62680
716 62691
717 62695
718 62700
720 62700
721 62700
722 62701
723 62702
725 62704
740 62706
795 62710
830 62712
837 62713

31 CFR
103 63774
128 63096
205 62927
PROPOSED RULES:
203 62308
214 62308
317 62308
321 62308

32 CFR
242a 63774
242b 63775
707 61596
PROPOSED RULES:
70 62934
288 62503

33 CFR
82 63169
110 61474, 62001
117 61041, 61042, 61475
128 63641

33 CFR—Continued

165 ... 63368
209 ... 12118
PROPOSED RULES:
117 ... 61051

36 CFR

2 ... 61042
7 ... 61042, 62482
223 ... 61452, 63777
330 ... 61986
Ch. II ... 62168
PROPOSED RULES:
9 ... 63058
254 ... 63649

37 CFR

201 ... 63778, 63779
PROPOSED RULES:
201 ... 61051
203 ... 61476
204 ... 61476
Ch. III ... 62019

38 CFR

8 ... 62367
PROPOSED RULES:
3 ... 62396

39 CFR

232 ... 63170
259 ... 63170
265 ... 63170
601 ... 62367
3002 ... 63781
PROPOSED RULES:
232 ... 63911
257 ... 63903

40 CFR

3 ... 62134
52 ... 61453, 63781
60 ... 61537, 62137
61 ... 62137
180 ... 61259, 61985, 62913, 63782
204 ... 61453
205 ... 61456, 61457
406 ... 62368
750 ... 61259
PROPOSED RULES:
Ch. I ... 61287
50 ... 63076
51 ... 63087, 63184
52 ... 62020, 62163, 62504, 63184, 63796, 63912, 63913
60 ... 62164
162 ... 63437
171 ... 61973
211 ... 61289

41 CFR

8-5 ... 61043
15-1 ... 63783
101-21 ... 62485
101-26 ... 61597, 62485
101-27 ... 61861
101-32 ... 63642

41 CFR—Continued

101-44 ... 61043
105-61 ... 61861
105-63 ... 63626, 63787

42 CFR

36 ... 61861
51a ... 63568
66 ... 63389
122 ... 62268
124 ... 62268
478 ... 62276
PROPOSED RULES:
50 ... 62718, 62732, 63651, 63797

43 CFR

Ch. II ... 64119
33 ... 62913
PROPOSED RULES:
2800 ... 62505
4100 ... 43437
PUBLIC LAND ORDERS:
5187 (Amended by PLO 5627) ... 63170
5627 ... 63170
5628 ... 63422
5629 ... 63423

45 CFR

12 ... 61263
163 ... 61226
163a ... 61226
171 ... 63574
178 ... 61043
198 ... 61232
228 ... 61263
1068 ... 63171
1069 ... 61861
1336 ... 62137
1470 ... 63172
1801 ... 64298
PROPOSED RULES:
185 ... 61402
205 ... 62718, 62732, 63651
1067 ... 62506
1321 ... 61479

46 CFR

4 ... 61200
7 ... 63174
30 ... 63643
70 ... 63643
78 ... 63643
90 ... 63643
97 ... 63643
148 ... 63643
175 ... 63643
182 ... 63175
185 ... 63643
196 ... 63643
280 ... 61460
507 ... 62914
536 ... 61047, 62372
PROPOSED RULES:
153 ... 64134
502 ... 62939

47 CFR

0 ... 62918, 63787
1 ... 63787
2 ... 62002
73 ... 61862, 62138, 62372, 62918, 63175, 63887, 63889
78 ... 61864
81 ... 62373, 63890
83 ... 62373, 63643
91 ... 63890
PROPOSED RULES:
2 ... 63184
67 ... 61876
73 ... 61290, 61877, 61878, 62164, 62396, 63913
87 ... 62508

49 CFR

1 ... 61865
173 ... 63644
178 ... 61464, 63644
179 ... 61465
209 ... 62920
221 ... 62002
225 ... 62005
394 ... 61865
527 ... 64119
537 ... 62374
571 ... 61465, 61466, 62386, 64119
850 ... 61204
1033 ... 61269, 61597, 62006, 62486, 62925, 63176, 63423, 63645, 63788, 63890
1080 ... 61471, 62489
1100 ... 62486
1109 ... 62139
1127 ... 62921
1211 ... 62006
1301 ... 63424
1306 ... 63891
1307 ... 63891
PROPOSED RULES:
192 ... 62397, 64136
195 ... 62397, 64136
523 ... 63184
533 ... 63184
571 ... 64136
1106 ... 62939

50 CFR

20 ... 61270
25 ... 64120
33 ... 62010, 62490, 63177
216 ... 64121
258 ... 61270
611 ... 61471, 62926
651 ... 63892
PROPOSED RULES:
17 ... 61290
20 ... 61878, 63437
215 ... 64138

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date	Pages	Date	Pages	Date
61029–61236	Dec. 1	62125–62356	9	63379–63629	16
61237–61439	2	62357–62459	12	63631–63766	19
61441–61585	5	62461–62893	13	63767–63880	20
61587–61847	6	62895–63161	14	63881–64097	21
61849–61975	7	63163–63377	15	64099–64331	22
61977–62123	8				

presidential documents

[3195–01]

Title 3—The President

Executive Order 12031 • December 21, 1977

Exemption of Jerome K. Kuykendall from Mandatory Retirement

Jerome K. Kuykendall, Chairman, Indian Claims Commission, will become subject to mandatory retirement for age on December 31, 1977, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive order.

In my judgment, the public interest requires that Jerome K. Kuykendall be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt Jerome K. Kuykendall from mandatory retirement until September 30, 1978.

Jimmy Carter

THE WHITE HOUSE,
December 21, 1977.

[FR Doc.77-36772 Filed 12-21-77;11:59 am]

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.

[3410-34]

Title 7—Agriculture

SUBTITLE A—OFFICE OF SECRETARY OF AGRICULTURE

PART 16—LIMITATION ON IMPORTS OF MEAT

Section 204 Import Regulations; Restrictions on the Importation of Meat from Costa Rica, Australia, and New Zealand; Correction

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Correction.

SUMMARY: This document is to correct FR Doc. 77-35745, regarding Section 204 import regulations; restrictions on the importation of meat from Costa Rica, Australia and New Zealand.

EFFECTIVE DATE: December 13, 1977. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

John E. Riesz (FAS), 202-447-7217, Dairy, Livestock & Poultry Division, FAS, USDA, room 6621, South Building, Washington, D.C. 20250.

In FR Doc. 77-35745 appearing on page 62491 in the FEDERAL REGISTER of Tuesday, December 13, 1977, the figure "268.0" million pounds is corrected to read "268.3" million pounds wherever it appears therein, including § 16.5(c).

Issued at Washington, D.C., this 19th day of December 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-36452 Filed 12-21-77;8:45 am]

[3410-02]

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

[Naval Orange Reg. 420, Amdt. 1; Navel Orange Reg. 421]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 23-29, 1977, and increases the quantity of such oranges that may be so shipped during the period December 16-22, 1977 Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective December 23, 1977, and the amendment is effective for the period December 16-22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on December 16 and 20, 1977 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good on all sizes.

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 regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.721 Navel Orange Regulation 421.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 23, 1977 through December 29, 1977, are established as follows:

(1) District 1: 616,000 cartons;
(2) District 2: unlimited movement;
(3) District 3: 84,000 cartons.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

2. The provisions of paragraph (a)(1) Regulation 420 (42 FR 63163), are hereby amended to read:

§ 907.720 Navel Orange Regulation 420.

(a) * * *

(1) District 1: 945,000 cartons;
(2) District 2: unlimited movement;
(3) District 3: 105,000 cartons.

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

Dated: December 21, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-36763 Filed 12-21-77;11:11 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

Obligation Process For Drought Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration issues regulations to amend the obligation process for drought loans and grants. This action is necessitated in order that those communities submitting obligating documents prior to close of business September 30, 1977, but not received in the Finance Office by that date, can qualify to receive loans and grants. The intent of this action is to provide needed assistance to those communities who otherwise would not have received assistance had their documents been forwarded by September 30 but not received by the Finance Office by that date.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles B. Hart, 202-447-5717.

SUPPLEMENTARY INFORMATION: Section 1888.17 of Part 1888 of Chapter XVIII, Title 7, Subchapter G, "Miscellaneous Regulations," in the Code of Federal Regulations (42 FR 19322; 42 FR 23158; 42 FR 37355; 42 FR 42843; 42 FR 53966) is amended. The text of paragraph (a) of this section is amended to provide that loan and grant funds must be obligated on or before December 31, 1977. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since this assistance is currently needed and any delay would be contrary to the public interest. Accordingly § 1888.17(a) is amended to read as follows:

§ 1888.17 Termination provisions.

(a) For projects eligible for assistance provided under § 1888.13, funds must be obligated on or before December 31, 1977, and:

(1) The obligating documents must have been mailed before close of business September 30, 1977, to the Finance Office and actually received by the Finance Office; or

(2) The obligating documents would have been mailed before close of business September 30, 1977, to the Finance Office if requested National Office approval had been received on or before such date; or

(3) The State Office must have attempted to transmit for obligation via the online computer terminal system such documents to the Finance Office before close of business September 30, 1977.

(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.

Dated: December 16, 1977.

GORDON CAVANAUGH,
Administrator Farmers Home Administration.

[FR Doc.77-36445 Filed 12-21-77;8:45 am]

[3410-07]

[FmHA Instruction 2018-F]

SUBCHAPTER A—GENERAL

PART 1813—AVAILABILITY OF INFORMATION

SUBCHAPTER R—BUSINESS SERVICES

PART 2018—GENERAL

Subpart F—Availability of Information

REVISION; REDESIGNATION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to redesignate and revise the manner in which information may be obtained from the Agency under the Freedom of Information Act. This redesignation and revision is designed to facilitate and improve the administration of services involving requests from the general public.

DATE: Effective date December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

James E. Bryan, Jr., Freedom of Information Officer, telephone 202-447-2211.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration (FmHA) amends its regulations to establish under Chapter XVIII, Subchapter R, "Business Services," Title 7, a new Part 2018, "General," Subparts A through G (§§ 2018.1 through 2018.350) in the Code of Federal Regulations. Subpart F, "Availability of Information" (§§ 2018.251-2018.300) of this new Part 2018 will redesignate and revise the regulation concerning the availability of records and materials for public inspection and copying. Most of Subpart F was taken from Part 1813 of this Chapter published at 40 FR 21696, and as amended at 40 FR 27475; 41 FR 19967, and is hereby deleted and reserved. This new Subpart F provides simplified guidelines for the use of the general public in obtaining information from FmHA. In implementation of the Freedom of Information Act (5 U.S.C. 552) and in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1-1.16, including Appendix A thereto, the FmHA lists officials within the Agency by title to whom members of the public should submit requests, and sets forth its policy governing the availability of records and materials for public inspection and copying. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This redesignation revision, however, is not published for proposed rulemaking since no substantive changes have been made which affect the public, and since changes that are made are administrative in nature, public participation is unnecessary. Accordingly, New Subpart F, Part 2018, as redesignated and revised, is set forth below:

1. Part 1813 is hereby deleted and reserved.

2. In Subchapter R, Part 2018, Subpart F is added:

* * * * *

Subpart F—Availability of Information

Sec.
2018.251 General statement.
2018.252 Public inspection and copying.
2018.253 Indexes.
2018.254 Requests for records.
2018.255 Appeals.
2018.256-2018.300 [Reserved]

AUTHORITY: 5 U.S.C. 552.

§ 2018.251 General statement.

In keeping with the spirit of the Freedom of Information Act (FOIA), the policy of Farmers Home Administration (FmHA) governing access to information is one of nearly total availability, limited only by the administrative responsibilities recognized by the Act.

§ 2018.252 Public inspection and copying.

Facilities for inspection and copying will be provided by the Freedom of Information Officer (FOIO) in the National Office, the State Director in each State Office, and the County Supervisor in each County Office. A person who has requested information will be promptly notified that he may inspect and copy such materials, and upon payment of applicable fees, obtain copies. Material may be reviewed on business days from 9:30 a.m. to 4 p.m. If any of the FmHA materials requested are not located at the office to which the request was made, the request will be referred to the office where such materials are available.

§ 2018.253 Indexes.

Since FmHA does not maintain any materials to which 5 U.S.C. 552(a)(2) applies, it maintains no indexes.

§ 2018.254 Requests for records.

Requests for records are to be submitted in accordance with 7 CFR § 1.3 and may be made to the appropriate County Supervisor or State Director, but requests may be mailed to the Freedom of Information Officer, Management Information Systems Staff, Farmers Home Administration, Washington, D.C. 20250. The phrase "FOIA REQUEST" should appear on the outside of the envelop in capital letters. Requests should be as specific as possible in describing the records being requested. The FOIO is hereby delegated authority to:

(a) Deny requests for records determined to be exempt under one or more provisions of 5 U.S.C. 552(b);

(b) Make discretionary releases (unless prohibited by other authority) of such records when it is determined that the public interests in disclosure outweigh the public and/or private ones in withholding; and

(c) Reduce or waive fees to be charged where determined to be appropriate. A County or State Supervisor may grant requests for records but must refer any proposed denial, or reduction or waiver of fees, to the FOIO.

§ 2018.255 Appeals.

If all or any part of an initial request is denied, it may be appealed in accordance with 7 CFR § 1.7 to the Administrator, FmHA, South Building, U.S. Department of Agriculture, Washington,

D.C. 20250. The phrase "FOIA APPEAL" should appear on the front of the envelope in capital letters.

§§ 2018.256—2018.300 [Reserved]

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

Dated: December 7, 1977.

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

[FR Doc.77-36555 Filed 12-21-77;8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Guard Force Response to an Alarm

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to clarify the alarm response requirements for onsite guards to protect special nuclear material from theft and licensed plants from industrial sabotage.

EFFECTIVE DATE: The amendments become effective January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

George W. McCorkle, Chief, Physical Security Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4181.

SUPPLEMENTARY INFORMATION: On February 10, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 8382) proposed amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials," which would clarify the responsibilities of the onsite guards for the protection of special nuclear material from theft and licensed plants from industrial sabotage, and would assure uniformity in the application of regulatory requirements in this important area.

Interested parties were invited to submit comments and suggestions in connection with the proposed amendments within 60 days after publication in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the Nuclear Regulatory Commission has adopted the proposed amendments, with certain modifications as set forth below. Significant differences from the proposed amendment published for comment are: (1) Restructuring and rewording of the measures to be taken to neutralize a threat, and (2) rewording of conditions for the use of deadly force.

Some of the comments received indicated a belief that the guard force actions listed in the proposed rule were sequential, that is, (iv) was not to begin until (iii) was completed. To clarify its intent, the rule was reworded to require that actions to neutralize the threat (interposing guards between special nuclear material and any person attempting entry for the purpose of industrial sabotage or theft, etc., and informing local law enforcement agencies of the threat and requesting assistance) be taken concurrently. Additionally, the words "if necessary" were deleted with regard to requesting assistance from the local law enforcement agency. In any instance where active measures to neutralize a threat are undertaken, requesting assistance from law enforcement personnel appears prudent.

Three commentors addressed the Commission's statement on the use of deadly force as contained in the proposed rule. One commentor felt the Atomic Energy Act of 1954, as amended, should be viewed as preempting state law in this area. Others said the rule should permit the use of deadly force to prevent a felony.

The use of deadly force by private guards at nuclear power plants and fuel cycle facilities has for many years presented a regulatory problem to the Nuclear Regulatory Commission. In the absence of overriding Federal authority, the law governing the liability of a private guard is State law. That is, if a private guard while on duty killed or wounded someone, the killing or wounding would be justifiable or not depending upon the law of the State in which it occurred. Experience with licensees and research has shown that considerable variation in State law exists on the question of justifiable homicide. However, in the narrow context of private guards doing their job on private property, there are three major aspects of justifiable homicide that the Commission thinks are universally acceptable in this country and that can, accordingly, be embodied in a rule of general application. The first is that the guard has no duty to retreat from a show of force, or from a situation that could lead to use of force. This principle is embodied in the response rule in the requirement that the guard interpose himself between the adversary and the material access areas or vital areas subject to attack. A second principle is that guards may generally meet force with force. This principle is stated in the response rule. Finally, there is general acceptance of the use of deadly force when there is a reasonable belief it is necessary in self-defense or defense of others. It is made clear in the rule that licensee's guards are expected to stand and use their right of self-defense against adversaries. The Commission believes that these three principles, taken together, constitute an adequate, practical, and publicly acceptable response rule.

Whether the Commission should go further in its response rule is a matter currently under consideration. The General Accounting Office, in a classified report on security at fuel-cycle facilities, has recommended that the Commission seek Federal and/or State legislative authority, "as appropriate," to allow guards to use firearms to prevent the theft of special nuclear material if such action is the minimum necessary to accomplish the task. The Commission is evaluating this recommendation in light of its current policy needs and the apposite legal authorities. An unclassified digest of the report has been published by GAO (EMD-77-40a, May 2, 1977).

To clarify the regulatory intent considering the above principles, the conditions for the use of deadly force were reworded to emphasize that the guard applying deadly force is the person who must have a reasonable belief that such force is necessary in self-defense or in the defense of others.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and Section 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 are published as a document subject to codification.

Section 73.50(g) is changed by amending subparagraph (2) and adding subparagraph (3) to read as follows:

§ 73.50 Response requirement.

* * * * *

(g) * * *

(2) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, a material access area, or a vital area; or upon evidence or indication of intrusion into a protected area, material access area, or vital area, the licensee security organization shall:

(i) Determine whether or not a threat exists,

(ii) Assess the extent of the threat, if any,

(iii) Take immediate concurrent measures to neutralize the threat by:

(A) Requiring responding guards to interpose themselves between material access areas and vital areas and any adversary attempting entry for the purpose of theft of special nuclear material or industrial sabotage and to intercept any person exiting with special nuclear material, and,

(B) Informing local law enforcement agencies of the threat and requesting assistance.

(3) The licensee shall instruct every guard to prevent or impede attempted acts of theft or industrial sabotage by using force sufficient to counter the force directed at him including deadly force when the guard has a reasonable belief it is necessary in self-defense or in the defense of others.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 2201, 5841).)

Dated at Washington, D.C. this 15th day of December 1977.

For the Nuclear Regulatory Committee.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-36454 Filed 12-21-77;8:45 am]

[3128–01]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1977 Price and Allocation Interpretations; Corrections

AGENCY: Department of Energy.

ACTION: Corrections to notice of interpretations.

SUMMARY: This document corrects errors in Department of Energy Interpretations as published in the FEDERAL REGISTER on December 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Kathleen Williams, Department of Energy, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 566–2454.

SUPPLEMENTARY INFORMATION: Certain typographical and editorial errors were made in publication of Interpretations 1977–42 and 1977–44, 42 FR 61271, December 2, 1977. These errors are hereby corrected as follows.

1. Interpretation 1977–42, published at 42 FR 61274–76, is republished in its entirety to read as follows:

INTERPRETATION 1977–42

To: Texaco, Inc.
Date: November 4, 1977.
Rules Interpreted: §§ 211.63 and 212.72.
Code: GCW–PI, AI—Definition of Property, New and Released Crude Oil; December 1 Rule.

FACTS

Texaco, Inc. ("Texaco") is a refiner subject to the petroleum price rules of 10 CFR Part 212, Subpart E, and the allocation rules of 10 CFR Part 211, Subpart C.

Under contracts in effect on December 1, 1973, and until August 1, 1974, Texaco purchased crude oil from Mobil Oil Corp. ("Mobil").

In July 1974, Texaco received notice that, effective August 1, 1974, Mobil's lease would terminate under its own terms and that Travelers Oil Co. ("Travelers"), having entered into an agreement with the lessor of the oil-producing property concerned, would become the new lessee upon that date.

Travelers took the position that, as the new lessee-producer, it was entitled under 10 CFR Part 212, Subpart D, to sell all production from the property concerned as "new" crude oil, regardless of the level of production for the property concerned in the 1972 base period.

Under the "December 1 rule" of 10 CFR 211.63, as in effect in 1974,[1a] domestic crude oil supplier/purchaser relationships in effect under sales, purchase, and exchange contracts on December 1, 1973, were required to remain in effect for the duration of the petroleum allocation program. The requirement did not apply, however, to the first sale of "new" and "released" crude petroleum from a property from which no "new" and "released" crude petroleum was produced and sold in December, 1973.[2] Travelers therefore took the further position that it was now required under the petroleum allocation regulations to continue to supply Texaco with any crude oil from the property concerned.

After July 31, 1974, Texaco was no longer supplied by any party with respect to its supply rights as previously associated with crude oil supply by Mobil from the property concerned. Texaco did not consent to termination of these supply rights.

ISSUE

Texaco asks in its interpretation request whether, solely by virtue of the substitution of a new lessee-producer of the previous lessee-producer whose lease had expired, the production of the property concerned qualifies to be priced as "new" crude oil under §§ 212.72 and 212.74.

Texaco also asks whether the supplier/purchaser relationship established as of December 1, 1973, with respect to crude oil produced from the property concerned, survives the change in the identity of the lessee of the property, so as to bind the new lessee-producer, Travelers, to supply Texaco.

INTERPRETATION

"New crude oil" is defined, for purposes of crude oil allocation in § 211.63 as well as the price regulations applicable to producers of crude oil in 10 CFR Part 212, Subpart D, as

> * * * the total number of barrels of domestic crude oil produced and sold (from the property concerned) in a specific month, less (A) the property's base production control level for that month and less (B) the curren cumulative deficiency * * *.[3]

Under this definition, "new" crude oil is, for most properties, the incremental production (if any) above the property's historic base production control level (BPCL), less any current cumulative deficiency. With respect to recently developed properties (basically those which began producing crude oil after 1972), the definition of "new crude oil" results in "new" crude oil status for all production because for such properties the BPCL is zero and there can be no current cumulative deficiency in such circumstances.[4]

The definition of "new crude oil" is significant, of course, chiefly because "new" crude oil is permitted to be sold in first sales at the substantially higher "upper tier" ceiling price compared with the "lower tier" ceiling price available with respect to first sales of "old" crude oil. The purpose of this two-tier pricing system has often been explained. The "upper tier" price is extended as an incentive to encourage additional production, where possible, from older properties (the incremental production is permitted to be sold at the higher upper tier price) and to stimulate exploration and development of new producing properties (total production in such cases is permitted to be sold at the higher price).

As indicated above, the unit to which the price rules pertaining to qualification for "new" crude oil apply is the "property." "Property" is defined as "the right to produce domestic crude oil, which arises from a lease or from a fee interest * * *."[5] In Ruling 1977–1[6] FEA reviewed in detail the meaning of the terms "property" and "lease" and concluded that—

> "Property," as defined by FEA, is generally to be understood as synonymous with the physical "tract" or "premises" as to which a working interest is established by an oil and gas lease, or by a fee interest.

In other words, FEA has interpreted the "property" for price control purposes, in those cases involving an oil and gas lease, as the right to produce crude oil relating to specific leased premises as described in the lease and not to that right only as vested in a particular lessee.

While it is true that the meaning of "lease" is broad enough in ordinary usage to include the instrument of conveyance itself as well as the piece of land or other property leased, it would be wholly irrational, in the context of the definition of "property" in § 212.72, to interpret "lease" as a reference to a particular lessee's rights under a particular lease. If a "new" property (and thus "new" crude oil) could be created merely through the execution of new leasehold agreements between the same lessor and lessee, or through the substitution of a new lessee, the purpose of the two-tier crude oil pricing system as a production incentive would be quickly circumvented and defeated. The price regulations applicable to producers of crude oil require for their effectiveness a concept of "property" which provides a constant frame of reference for measurement of crude oil production between the base level and the current level. As stated in Ruling 1975–15 (40 FR 40832, September 4, 1975), "the need to compare like quantities, today and in 1972, in order to ensure a meaningful application of the new and released provisions," requires that the "property" be defined by reference to the

---

[1] Editorial note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

[1a] Effective February 12, 1976 (41 FR 7386, February 18, 1976) the December 1 rule was amended to relate to supplier/purchaser relationships in effect under contracts in existence on January 1, 1976. In view of the extension of price controls to "new," "released" and stripper well crude oil effective February 1, 1976, pursuant to the Energy Policy and Conservation Act, a more current base date for supplier/purchaser relationships under § 211.63 was deemed desirable. The amended rule (still generally referred to as the "December 1 rule") did not, however, impair any purchaser's rights under § 211.63 as in effect prior to February 1, 1976. See § 211.63(b)(3)(ii).

[2] Section 211.63(b), as in effect prior to February 12, 1976. Under current regulations, the "new" crude oil exception to the December 1 rule is restricted to the first sale of crude oil flowing from a property which first began production and sale after December 31, 1975. 10 CFR 211.63(a)(4).

[3] 10 CFR 212.72. "New crude petroleum" was formerly defined in § 211.62, for purposes of 10 CFR Part 211, Subpart C, as "new crude petroleum as defined in § 212.72." The current version of § 211.63 does not use the term "new crude petroleum" or "new crude oil."

[4] The definitions of "base production control level" and "current cumulative deficiency," which are found in § 212.72, are not directly at issue in this Interpretation and thus are not restated here.

[5] 10 CFR 212.72. Changes in the definition of "property," effective September 1, 1976, are not relevant to the matters at issue in this Interpretation.

[6] 42 FR 3628, January 19, 1977; originally published in other form at 41 FR 36172, August 26, 1976.

"property" as it existed in 1972. Thus, the definition of "property" was not made dependent upon the continued effectiveness of a specific lease agreement or upon the rights accruing to any specific lessee.[7]

This provision, in virtually identical form, was among the initial Phase IV petroleum price regulations effective August 19, 1973 (6 CFR 150.361(c)(2)).

The foregoing disposition of the pricing question also disposes of the allocation question, insofar as it concerns the "new" crude oil exception to the general supply obligation imposed by 10 CFR 211.63. Since Travelers at no time produced "new" crude oil under 10 CFR Part 212, Subpart D, by virtue of having become the successor lessee with respect to the property concerned, the rule excepting the first sale of "new" crude oil from the general supply obligation under § 211.63 did not apply on that basis to first sales of crude oil from the property concerned beginning August 1, 1974.

Beyond this, however, Texaco seeks an affirmative interpretation that Travelers is bound to continue to supply Texaco under the general supply obligation of § 211.63,[8] which generally requires that, except as otherwise provided, "all supplier/purchaser relationships" in effect under sales contracts on December 1, 1973, "shall remain in effect for the duration of this program."[9]

The rule as previously embodied in § 211.63(a) provided that the December 1, 1973, supply relationships to which the rule applied could be terminated only by (1) mutual consent of both the supplier and the purchaser, or (2) as to "new" and "released" crude oil, refusal of the purchaser to meet an offer of a higher lawful price tendered by another purchaser.[10]

It is clear from the foregoing discussion that case (2) is not applicable to the supplier/purchaser relationship between Mobil and Texaco. With regard to case (1), the facts indicate that Texaco did not at any time consent to termination of its December 1, 1973, relationship with Mobil. It follows that the unilateral withdrawal by Mobil did not terminate the supplier/purchaser relationship and that Texaco retains the right to insist upon fulfillment of the supply obligation.

The next question is whether the supply obligation remains with the former supplier-lessee (i.e., Mobil), requiring it to provide the purchaser with crude oil from alternate sources, or whether the supply obligation in effect runs with the property concerned, so that the successor supplier-lessee (i.e., Travelers) succeeds to Mobil's supply obligation. Our conclusion under the facts in this case is that the successor supplier-lessee succeeds to the former supplier-lessee's obligations to Texaco.

On June 11, 1976, FEA issued a number of amendments to the crude oil supplier/purchaser rule in § 211.63. Among these amendments was a new § 211.63(c)(4), which provided (and today continues to provide) as follows:

> In the event that a property which produces crude oil subject to this section is transferred to a new *owner*, the obligation to supply * * * purchasers of *that property's* crude oil production shall attach to the new *owner* and new supplier/purchaser relationships subject to this section shall be established on that basis (emphasis added).

The term "owner," while often used to refer to the owner of the fee interest in land, is not necessarily restricted to this meaning and has been construed in particular contexts to extend to lessees and other owners of possessory interests.[11] Moreover, the term "property," also used in § 211.63(c)(4), is specifically defined for price purposes to include production rights arising from a fee interest *or* a lease.[12] In addition, the FEA described § 211.63(c)(4), both at the time it was proposed and upon its adoption, as applying to "the ownership of or rights to the production of a property * * *."[13] For these reasons, plus the considerations noted below, we construe § 211.63(c)(4) as applying to the transfer of the rights of the owner of the working interest (lessee-producer) as well as to the rights of the owner of the royalty interest (lessor).

As noted above, § 211.63(c)(4) was one of a number of amendments to the crude oil supplier/purchaser rule issued on June 11, 1976. These amendments were made effective "immediately," as a group, without discussion of the timing of effectiveness or consideration of different effective dates for individual amendments. This treatment evidently resulted from the fact that most of the amendments represented true substantive modifications which would normally be issued on a prospective basis only. Moreover, the rulemaking which gave rise to the amendments concerned grew out of an initial rulemaking proceeding earlier in 1976 which was designed primarily to reflect changes in the domestic crude oil pricing structure mandated by the Energy Policy and Conservation Act, enacted December 22, 1975.[14] Thus, there was additional reason for viewing the package of amendments which included the rule at issue as generally consisting of evolutionary changes in the crude oil supplier/purchaser rule.

However, in the absence of any discussion in the preamble to the final rulemaking effective June 11, 1976, explaining why § 211.63(c)(4) in particular was made effective "immediately," we no not believe that the inclusion of § 211.63(c)(4) in that rulemaking is conclusive evidence that FEA viewed the rule in § 211.63(c)(4), as applied to the transfer of lessee interests, to be such as to preclude its application to transfers of such interests which occurred prior to June 11, 1976, through an interpretation of the pre-existing crude oil supplier/purchaser rules in § 211.63 generally. We believe that the reasons set forth below for applying the substance of the rule in § 211.63(c)(4) to the present case substantially outweigh any presumption against such application arising from promulgation of § 211.61(c)(4) effective June 11, 1976.

Before passing to general considerations supporting application of the rule in § 211.63(c)(4) to the period prior to June 11, 1976, we note that at least one of the firms participating in the public hearings on May 6, 1976, concerning the group of proposed amendments eventually issued in final form on June 11, 1976, interpreted the then-proposed § 211.63(c)(4) as a clarifying amendment rather than a substantive change. This firm's testimony in support of § 211.63(c)(4) included the comment that "[t]he new proposed rules which facilitate transfers of ownership of producing properties * * * and imposing the existing supply obligations on the successor-owner is, in our minds, only a clarification of the present regulatory intent."[15]

At the time the working interest (lessee-producer) rights of Mobil were transferred to Travelers on August 1, 1974, the general supplier/purchaser rule in § 211.63 provided that all "supplier/purchaser relationships" in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of the petroleum allocation program. Such relationships could, however, be terminated by the mutual consent of both parties to the relationship.

It is not clear from the language of § 211.63 whether, when the supplier of crude oil is a producer, the obligation to supply for the duration of the program is a "personal" obligation which continues to attach to the producer if for whatever reason he lost his production rights to the property concerned prior to June 11, 1976, or whether this obligation in effect runs with the property and thus attaches to the new holder of the production rights. Although "supplier" is defined in § 211.51 as a "firm" rather than a "property," there is no general supply obligation affirmatively imposed on individual suppliers of crude oil in § 211.63. All that the general rule of § 211.63 requires is the maintenance of supply *relationships*. The term "supplier/purchaser relationships" is not defined in the petroleum allocation regulations.

It is pertinent to note that the general allocation provisions in 10 CFR Part 211, Subpart A, do affirmatively impose an obligation on "[e]ach supplier of an allocated product" to continue to supply that product to the base period purchaser (§ 211.9(a)). However, the definition of "allocated product" in § 211.51 includes only "residual fuel and refined petroleum products" and thus excludes crude oil. Therefore, 10 CFR Part 211, Subpart A, cannot be interpreted as imposing a "personal" supply obligation on the December 1, 1973, supplier of crude oil in the circumstances addressed by this Interpretation.

When the language of specific regulations under consideration does not itself provide a sufficient basis for resolving an interpretive question arising under those regulations, it is usually necessary to consider the underlying purposes of the regulations in order to resolve the question at issue. The purposes intended to be served by adoption of the crude oil supplier/purchaser rule in § 211.63 were: (1) To preserve the nation's crude oil distribution system from disintegration during periods of embargo or other shortage, (2) to establish a supply floor upon which supply estimates could be furnished in order to

---

[7] The position taken in this Interpretation is further confirmed by the inclusion in the "acquisitions" provisions of the "new item and new market rule" of 10 CFR 212.111 of the following provision (§ 212.111(c)(2)):

> If a legal entity or component of a legal entity determines pursuant to this part a base production control level for a property which produces domestic crude oil and the entity or component is subsequently acquired by another firm the domestic crude oil produced from that property does not become new crude oil. The base production control level for that property remains the base production control level determined for it by the acquired entity or component.

[8] Formerly § 211.63(a); currently § 211.63(b)(1).

[9] See fn. 1, above, concerning the amendment to the December 1 rule effective February 12, 1976, providing a more current base date for this purpose, and the effect thereof.

[10] These bases for termination of supplier/purchaser relationships, among others not applicable to the case at issue, survive under current regulations in § 211.63(d).

[11] See discussion of "owner" and cases cited, Blacks Law Dictionary.

[12] 10 CFR 212.72.

[13] 41 FR 16662, April 21, 1976; 41 FR 24338, June 16, 1976.

[14] 41 FR 2830, January 20, 1976; 41 FR 7386, February 18, 1976.

[15] Transcript of public hearings, May 6, 1976, p. 1-96.

implement the buy-sell program to allocate crude oil at the refinery level, and (3) to preserve access by small and independent refiners to lower-priced domestic crude oil.[16]

It can be seen from the foregoing that the crude oil supplier/purchaser rule was intended, in particular, to maintain the sources of supply of crude oil purchasers (especially small and independent refiners), and through this and other means to preserve the crude oil distribution system in general. One means of doing this was to provide in § 211.63 for the maintenance of "supplier/purchaser relationships" and termination thereof only by mutual consent of both parties. When the facts in the present case are reviewed in light of the foregoing purposes, it is evident that (1) attainment of both the general objective of preservation of the crude oil distribution system and the more specific objective of preservation of crude oil purchasers' sources of supply were impaired when Texaco was cut off from the particular supply of crude oil under discussion without its consent, and (2) attainment of these objectives in this case depends, in the last analysis, upon selection of the alternative which will best preserve Texaco's supply rights.

We believe that the supply guarantee afforded to the refiner by § 211.63 is better preserved and implemented by assuring continued access by the refiner to the same crude oil through the successor supplier-lessee. The former supplier-lessee in a given case may not have any alternative sources available with which to supply the purchaser, or if such crude oil is available to the former supplier-lessee it may not have physical characteristics suitable for processing by the refinery served under the supply contract. In addition, the price of crude oil from alternative sources may well be higher pursuant to the stripper well lease exemption, the rules permitting "new" crude oil to be priced at upper tier price levels, or because of price variations within the same price tier.

In addition to being more consistent with the purpose of § 211.63, we believe the foregoing approach is more consistent with relevant goals of the Emergency Petroleum Allocation Act of 1973, as amended, which include, in section 4(b)(1) thereof (emphasis added):

(E) The allocation of *suitable types, grades and quality* of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) *equitable distribution* of crude oil * * * *at equitable prices* among all * * * sectors of the petroleum industry. * * *

The approach taken in this Interpretation would appear better to assure equitable distribution of suitable grades of crude oil at equitable prices to refiner-purchasers. The preferability of this approach was echoed in comments received by FEA in support of § 211.63(c)(4) prior to its adoption, indicating that the proposed amendment "serves to maintain established lines of supply to a particular facility (i.e., refinery) regardless of the identity of the titleholder."[17]

In Interpretation 1977-15, FEA took a somewhat different approach with respect to the question of maintenance of supplier/purchaser relationships between a producer and a reseller of crude oil, on the one hand, and the same reseller and a refiner, on the other. There, the reseller terminated its supply relationship with the producer by mutual consent without, however, obtaining the approval of the refiner. Interpretation 1977-15 notes that this had the indirect effect of terminating the corresponding relationship between the reseller and the refiner without the latter's consent, the "very result which 10 CFR 211.63 was designed to prevent."

As requested by the refiner, FEA ruled in Interpretation 1977-15 that the reseller could not terminate its supply relationship with the producer without obtaining the refiner's consent. The reseller was therefore required to re-enter the supply chain and resume its supply obligation to the refiner.

Interpretation 1977-15 and the present Interpretation are similar in that they both seek to preserve the purchaser-refiner's supply rights. The fact that they achieve this through somewhat different approaches can be explained by the fact that (1) the refiner's supplier in Interpretation 1977-15 was a reseller, and somewhat different allocation rules apply to crude oil resellers, whereas the supplier here is a lessee-producer; and (2) unlike the present case, no substitute supplier at the same level of supply was present in Interpretation 1977-15 (the producer there began to sell crude oil from the property concerned directly to another refiner after the withdrawal of the reseller). Under these circumstances, it was necessary and appropriate to call upon the reseller to resume supply in order to preserve the original refiner's supply rights. In the present Interpretation, it is not necessary to recall Mobil to supply Texaco from other sources or to interfere with present lease ownership because Travelers is in position as current lessee-producer to restore the original "lines of supply." It is less appropriate to require Mobile to supply Texaco from other sources than to require Travelers to supply from the original production source primarily because of actual or potential crude oil price and quality variations from alternative sources as discussed above.

2. The fourth footnote in Interpretation 1977-44, designated footnote 4 as issued and footnote 21 as published in the FEDERAL REGISTER at 42 FR 61278, contains a cross-reference to "fn. 3, above." In order to harmonize this cross-reference with the different system of footnoting employed in this case by the FEDERAL REGISTER, it is changed to read "fn. 20, above."

WILLIAM S. HEFFELFINGER,
Director of Administration.

DECEMBER 16, 1977.

[FR Doc.77-36453 Filed 12-19-77;4:36 pm]

[16] *Condor Operating Co. v. Sawhill*, 514 F. 2d. 351, 358-9 (1975); 41 FR 2830 (January 20, 1976).

[17] Written comment submitted by Skelly Oil Co., May 6, 1976, p. 1.

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0133 through FC-0138]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

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

EFFECTIVE DATE: December 20, 1977.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

§ 226.4(a)—5 percent discount off cash price of lot given to all customers (cash or credit) who complete construction of home on lot within 6 months is not finance charge and is subsequent occurrence requiring no disclosure.

§ 226.6(g)—5 percent discount off cash price of lot given to all customers (cash or credit) who complete construction of home on lot within 6 months is not finance charge and is subsequent occurrence requiring no disclosure.

NOVEMBER 16, 1977.

This is in response to your letter of * * *, requesting an official staff interpretation of Regulation Z with regard to the disclosures required in connection with the type of transaction described below.

You state that your client sells vacant land under instalment sale contracts and retains title to the land until such contracts are paid in full. Your client intends to give a five per cent discount off the cash price of a lot to each purchaser who substantially complete construction of a home on the lot within six months after the consummation of the instalment sale. The same discount will be given to any cash customer who substantially completes construction of a home within six months after purchasing a lot from your client. The five per cent discount option will be made known to each purchaser at the time the sale transaction is entered into. The purpose of the discount, according to your letter, is not to induce prepayments, but rather to enhance the value of the entire development by encouraging construction. You ask staff to confirm your conclusion either that the five per cent discount does not constitute a discount, as that term is used in § 226.4 of Regulation Z (Determination of Finance Charge) or that giving the discount constitutes a subsequent event under § 226.6 (g) of the regulation.

In staff's view, inasmuch as the five per cent discount offered by your client is equally available to all purchasers who substantially

complete construction of a home in six months, the discount would not constitute a finance charge under § 226.4 of Regulation Z. As a general matter, a discount is considered a finance charge only where the discount is unavailable to some or all credit customers, and, therefore, those credit customers are charged more than the customers to whom the discount is given. Our Public Information Letter 648 gives examples of types of discounts which would be treated as finance charges, and a copy of that letter is enclosed for your convenient reference.

Furthermore, staff feels that the receipt of the discount by a credit customer who completes construction of a home within six months, as described in your letter, would be a subsequent occurrence within the meaning of § 226.(g) of Regulation Z which need not be reflected in your client's Truth in Lending disclosures in any way. Staff views the discount as a purely contingent benefit, available to cash and credit customers alike, and not an integral part of the credit transaction which must be taken account of in calculating or disclosing the information required by Regulation Z.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.7(b) Previous balance and balance on which finance charge was computed for purchases and checks can be disclosed separately from previous balance and balance on which finance charge was computed disclosures for cash advances.

NOVEMBER 16, 1977.

This is in response to your letter of * * *, in which you request official staff interpretations regarding the open end credit disclosure requirements of §§ 226.7(b)(1)(i) and 226.7(b)(1)(viii).

You state that your client, in disclosing the "previous balance" required by § 226.7(b)(1)(i), discloses a "previous balance" for purchases and checks and a separate "previous balance" for cash advances. No total previous balance is reflected on the periodic statement. You indicate that the periodic statement does reflect, however, the total outstanding balance ("new balance") for that particular billing cycle, as well as a "new balance" applicable to purchases and checks and a "new balance" applicable to cash advances. You also state that your client, in disclosing the balance on which the finance charge was computed as required by § 226.7(b)(1)(viii), furnishes the balance on which the finance charge was computed for purchases and checks separately from the disclosure of the balance on which the finance charge was computed for cash advances.

You argue that your client's disclosures as described above are in accordance with the provisions of §§ 226.7(b)(1)(i) and 226.7(b)(1)(viii) in light of Official Staff Interpretation FC–0086. In FC–0086 staff stated that it is permissible for purposes of § 226.7(b)(1)(iv) to disclose separately the purchase and cash advance portions of the finance charge without disclosing a total of the two figures. You also argue that the disclosures described above should be considered to be in compliance with the requirements of the regulation because purchases and checks are often treated differently from cash advances under the terms of credit programs (e.g., different periodic rates are applied to the two categories).

It is the staffs' opinion that the regulation permits disclosure of the previous balance for purchases and checks separately from the previous balance disclosure for cash advances. Moreover, it would be permissible for Regulation Z purposes to disclose the balance on which the finance charge was computed for purposes of purchases and checks separately from the balance on which the finance charge was computed for cash advance transactions.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. It is limited to the facts and issues presented herein. Furthermore, nothing in this letter is to be construed as a review or approval of the disclosure form which you enclosed with your letter.

I note that you may represent creditors subject to the laws of the State of Connecticut. Since Connecticut has been granted an exemption under the applicable portions of the Truth in Lending Act, you may wish to contact the office of Mr. David H. Neiditz, Bank Commissioner of the State of Connecticut, for his views. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.4(i)—A discount offered in accordance with § 226.4(i) is not a finance charge nor a discount for prompt payment as described in § 226.8(o).

§ 226.8(o)—A discount offered in accordance with § 226.4(i) is not a finance charge nor a discount for prompt payment as described in § 226.8(o).

§ 226.8(c)—Disclosure of a cash discount in credit sales must be made pursuant to § 226.8(c).

NOVEMBER 17, 1977.

This is in response to your letter of * * *, in which you ask several questions about the applicability of §§ 226.4(i) and 226.8(o) of Regulation Z. Your client, a farmer's cooperative, desires to offer cash discounts to its customers in accordance with § 226.4(i). You ask staff to assume that in addition to paying for goods by cash, check, or similar means, a customer may elect to pay by use of (1) an open end credit card account; (2) an open end account that involves no credit card; or (3) a closed end credit transaction (e.g., a retail instalment contract).

Based upon those factual assumptions you pose three questions, which will be answered in turn.

1. If a creditor offers a 5 percent discount only to those customers who purchase property or services by cash, check or similar means, and the creditor complies with all of the disclosure and other requirements of § 226.4(i) of Regulation Z, should the creditor exclude the discount from the finance charge as to those customers who choose to make a purchase by use of an open-end credit account without a credit card (i.e., no credit card has been issued to the customer for the account used in the purchase) or by use of a closed-end credit account?

Yes. The language of both § 167(b) of the Truth in Lending Act and § 226.4(i)(1) of the regulation states that such a discount shall not constitute a finance charge. The effect of these statutory and regulatory provisions is not limited to a particular type of credit transaction.

2. If the answer to the foregoing question is "yes" how should the creditor disclose the cash discount in a closed-end credit sale?

Section 226.8(c) governs disclosures for credit sales. The 5 percent discount must be deducted from the "regular price" of the merchandise as defined by § 226.2(tt), in order to arrive at the "cash price" required to be disclosed by § 226.8(c)(1). (Staff has previously taken this position in Public Information Letter 1070.) In addition, the discount will be an "other charge" which is included in the amount financed, but is not part of the finance charge. Consequently, it must be individually itemized pursuant to § 226.8(c)(4).

3. Is the full difference between the cash price and the credit price in any credit transaction, including a cash discount under § 226.4(i), a 'discount for payment on or before a specified date' under § 226.8(o), thereby necessitating the additional disclosures prescribed by the latter section?

As staff understands this question, you are asking whether a cash discount as described in § 226.4(i) may simultaneously be a discount for prompt payment as meant by § 226.8(o). You state that a literal reading of the language of § 226.8(o), including the examples set forth in footnote 13a to § 226.8(o)(2), suggests such a conclusion.

Staff believes that the prompt payment discount contemplated by § 226.8(o) is distinguishable from the cash discount described in § 226.4(i). As stated in Public Information Letter 999:

Section 226.8(o) is intended to apply to transactions where the consumer receives an extension of credit and has the option of either paying within a specified period of time and receiving a discount off the full credit price or repaying the full credit price over the period specified in the contract. In either case, the consumer receives an extension of credit * * *.

Public Information Letter 1039 reiterates that § 226.8(o) applies to situations in which *prompt*, rather than *immediate* payment is contemplated.

Staff's conclusion is based largely upon a reading of the initial phrase in § 226.8(o)(1) which states, "For the purpose of this paragraph, a 'transaction subject to § 226.8(o)' is a credit sale transaction * * * which is subject to a discount for payment on or before a *specified date* * * *." (Emphasis added.) The italic words are describing a particular and alternative payment date, subsequent to the date of purchase, that is designated by the creditor-seller as the time before which receipt of payment will entitle the buyer to a reduced price. Section 226.4(i), on the other hand, contemplates a discount which is generally given at the time and point of sale (except, perhaps, when sales are transacted via telephone or mail), and which is offered to all prospective customers for the purpose of encouraging payment by cash, check, or similar means, rather than by use of a credit card.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.8(b)—Addition to customer's debt which may arise as result of customer's original obligation and be secured by original collateral is not "future indebtedness" within meaning of § 226.8(b)(5).

NOVEMBER 22, 1977.

This is in response to your letter of * * *, in which you request an official staff interpretation of § 226.8(b)(5) of Regulation Z. Your letter raises two questions, the first of which staff deems appropriate for an official staff interpretation of Regulation Z. That question is answered herein. Your second question will be dealt with in a separate and unofficial staff interpretation of Regulation Z.

Your letter indicates that your client secures extensions of credit with a security interest in stated collateral in the form of a chattel mortgage. You state that your client does not use the chattel mortgage to secure undesignated future advances.

However, you indicate that the customer may become liable to repay the kinds of "advances" discussed below.

You ask whether any disclosure is required under the "future indebtedness" provision of § 226.8(b)(5) of Regulation Z by reason of the fact that, in accordance with the terms of an extension of credit, a customer may become liable for advances made by your client to cover:

1. Interest (accruing after the date of closing);
2. Delinquency charges;
3. Deferral charges (if any or if available under State law);
4. Attorney's fees for collection;
5. Premiums for insurance if the customer fails to provide insurance;
6. Advances for taxes if the customer fails to pay taxes;
7. Advances for repairs; and
8. Advances for collection expenses.

Apparently the chattel mortgage taken by your client would secure such advances as well as the underlying debt.

In addition to requiring that a Truth in Lending disclosure statement provide "[a] description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit and a clear identification of the property to which the security interest relates * * *," § 226.8(b)(5) also mandates that "if other or future indebtedness is or may be secured by any such property, this fact shall be clearly set forth in connection with the description or identification of the type of security interest held, retained or acquired." In staff's opinion, the "future indebtedness" provision of § 226.8(b)(5) does not require any additional disclosure where, by the terms of an extension of credit, a customer is obligated for the types of charges listed above, and the creditor properly discloses that the customer's obligations in connection with the extension of credit are secured by adequately identified collateral. Such charges do not constitute "future indebtedness" as that term is used in § 226.8(b)(5) but are, rather, simply additions to the indebtedness which result from the original obligations of the customer.

The view expressed above, as you note, is supported by our Public Information Letter 344, which states:

The term "future indebtedness" in Section 226.8(b)(5) was not intended to encompass mere additions to the indebtedness as a result of tax payments by the mortgagee if the mortgagor failed to make the required payments. Only further amounts directly loaned by the (mortgagee), as for example where a security interest in property will secure any other obligations which the debtor may have with the creditor, were intended to be included in the term "future indebtedness."

Although the fact that collateral may secure a customer's potential obligation for the items listed above necessitates no disclosure under the "future indebtedness" provision of § 226.8(b)(5), staff does not intend to indicate that none of these items requires any disclosure under Regulation Z. Because the disclosures required would depend on the facts of each particular transaction, staff is not in a position to prescribe the disclosures your client should make. However we would suggest that you refer to §§ 226.4, 226.8(c)(8)(i) and/or § 226.8(d)(3) relating to disclosure of interest as a finance charge; § 226.8(b)(4) regarding delinquency charges; § 226.8(i) regarding deferrals or extensions; Official Staff Interpretation FC-0054 (a copy of which is enclosed) dealing with the possible necessity of disclosure of attorney's fees and collection costs as default, delinquency or late payment charges under § 226.8(b)(4); and §§ 226.4(a)(5) and (6) regarding disclosure of charges for insurance.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.4(a)(6)–§ 226.4(a)(7)—Creditor need disclose only aggregate cost of insurance package (which includes several types of insurance described in § 226.4(a)(6)) in order to exclude premium from finance charge.

NOVEMBER 22, 1977.

This is in response to your letter of * * *, requesting an official staff interpretation of Regulation Z to the effect that the cost of each component of required insurance which is offered as a package need not be itemized in order to exclude it from the finance charge under § 226.4(a)(6).

Section 4(a)(6) permits the exclusion from the finance charge of "charges or premiums for insurance, written in connection with any credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property" when the creditor discloses the cost of the insurance if obtained from or through the creditor and that the customer may choose the person through whom the insurance will be obtained.

Your client offers an insurance package in connection with credit sales of automobiles which includes several kinds of required insurance of the type described in § 226.4(a)(6). These include collision, personal liability and vendor's single interest insurance (the last with waiver of subrogation). You inquire whether or not the disclosure of the aggregate cost of the required insurance package, if purchased through the creditor, complies with § 226.4(a)(6).

It is the staff's opinion that the creditor need disclose only the aggregate cost of the insurance in order to exclude the premium amount from the finance charge: *Provided*, That the other requirements of § 226.4(a)(6) and the interpretations thereof are met. There is no requirement in the regulation that the cost of each component of the insurance package be itemized.

This is an official staff interpretation of Regulation Z and is limited in its application to the facts stated herein. We note that your client may be a creditor subject to the laws of the Commonwealth of Massachusetts. Since Massachusetts has been granted an exemption from the relevant provisions of the Federal Truth in Lending Act, you may wish to obtain the views of the Commissioner of Banks of the Commonwealth of Massachusetts regarding this matter. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.3(d)—Financing of home improvements by public utilities are not exempt transactions.

§ 226.8(o)—Provisions concerning discounts for prompt payment apply only to sale transactions, not to loans.

NOVEMBER 28, 1977.

This will respond to your letter of * * *, concerning the applicability of certain provisions of Regulation Z to a proposed home financing insulation plan adopted by a State public utility commission. Under this plan, the gas and electric utilities would provide financing for certain home improvement designed to conserve energy. The home improvement work is to be done by an independent contractor chosen by the customer from among those licensed or approved by the State to do such work. After the work is accepted by the utility, the utility pays the contractor for the work, and the customer reimburses the utility for his payment. The customer is given a period of up to 3 years to repay the loan, and will be charged 1 per cent interest per month on the unpaid balance. If, however, the customer repays the entire loan within 90 days, no interest will be charged. It is our understanding that there are no finance charges other than interest involved in these loans.

You ask first whether such credit transactions are exempted from Regulation Z by virtue of § 226.3(d). Section 226.3(d) exempts from coverage of the regulation certain public utility transactions which involve services provided through pipe, wire, or other connected facilities. It is staff's opinion that this exception is inapplicable to the plan you describe because, although the plan does involve public utilities, it does not involve "services provided through pipe, wire, or other connected facilities." Therefore, financing by a public utility of home insulation for its customers is not the type of transaction exempted from the regulation's coverage by § 226.3(d).

You ask further whether § 226.8(o) is applicable to such transactions. Section 226.8(o) concerns discounts for prompt payment of sales transactions. It is staff's opinion that this section does not apply to the plan you describe. Section 226.8(o) concerns only credit sales transactions in which goods or services are purchased and a discount is offered for payment within a specified period; it does not apply to plans such as yours which involve direct loans to customers.

It is staff's belief that the home financing insulation plan under consideration in your letter should be considered and disclosed as a normal instalment loan with a term of 3 years (or such other period as is agreed to).

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. It is limited to the facts and issues as discussed herein, and I trust that it proves to be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-36481 Filed 12-21-77;8:45 am]

[6714-01]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Interest Rate Differential on Loans Secured by Time or Savings Deposits

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The regulations of the FDIC require that where a loan made by an insured nonmember bank is secured by a time or savings deposit, the rate of interest paid on the time or savings deposit must be at least 2 percent per year less than the rate of interest charged on the loan. The FDIC is amending this rule to reduce the 2 percent differential requirement to 1 percent. The amendment is designed to make it easier for deposi-

tors to borrow funds secured by their deposits.

EFFECTIVE DATE: This amendment takes effect December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: FDIC regulations currently require loans secured by time or savings deposits to bear interest at an annual rate at least 2 percent above the rate paid on the corresponding deposit. 12 CFR 329.4(h) and 329.5(b). Withdrawal of a time deposit prior to maturity entails a very substantial penalty under the current regulations of FDIC. To alleviate the severity of this penalty, the Board of Directors of FDIC has, after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, decided to reduce the 2 percent differential requirement on loans secured by time or savings deposits to 1 percent. This action is being taken pursuant to sections 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828(g)).

12 CFR Part 329 is amended by revising §§ 329.4(h) and 329.5(b) thereof to read as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(h) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to a depositor upon the security of his time deposit. However, the rate of interest paid by the bank on such deposit for the period of time it secures the loan shall not be in excess of 1 percent per annum less than the rate of interest charged on the loan. The provisions of this paragraph (h) shall be deemed to be a part of every time deposit contract entered into by any insured nonmember bank whether or not such provisions are expressly set forth therein.

* * * * *

§ 329.5 Withdrawal of Savings Deposits.

* * * * *

(b) *Loans on security of savings deposits.* If it is not the practice of an insured nonmember bank to require notice of withdrawal of savings deposits, no restrictions are imposed by this part upon loans by such bank to its depositors upon the security of such deposits. If it is the practice of an insured nonmember bank to require notice of withdrawal of a savings deposit, such bank may make loans to a depositor upon the security of such deposit, but the rate of interest on such loans shall be not less than 1 percent per annum in excess of the rate of interest paid on such deposit.

* * * * *

The provisions of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of Title 12 of the Code of Federal Regulations respecting notice, public participation and deferred effective date were not followed in connection with the promulgation of this amendment because FDIC's Board of Directors determined that notice and public procedure would be unnecessary and not in the public interest, and because the amendment relieves a restriction imposed by the existing regulation.

Dated: December 16, 1977.

By order of the Board of Directors.

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

[FR Doc.77-36477 Filed 12-21-77;8:45 am]

[6714-01]

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Federal Disaster Relief Assistance

AGENCY: Federal Deposit Insurance Corporation.

Executive Secretary.

ACTION: Final rule.

SUMMARY: On November 29, 1977, the Federal Deposit Insurance Corporation published notice in the FEDERAL REGISTER (42 FR 60728 (1977)) that Part 339 of its regulations had been amended to conform with the requirements of Section 703(a) of the Housing and Community Development Act of 1977 (Pub. L. 95-128). Section 339.5(b)(2) of the amended regulations provides sample notices which insured State nonmember banks may use when advising borrowers of the availability of Federal disaster relief assistance for improved real estate or mobile homes located or to be located in designated flood-prone areas. The present amendment changes these notices to state more clearly the conditions under which Federal disaster relief assistance will be available for such property.

DATE: Effective December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Jerry L. Langley, Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4237.

SUPPLEMENTARY INFORMATION: Since the present changes to FDIC's rules and regulations are for the purpose of clarifying its existing regulations, the Board of Directors of FDIC has determined, under § 302.6 of FDIC's rules and regulations (12 CFR 302.6), that notice of and public participation in this rulemaking is unnecessary and that good cause exists for waiver of the 30 day deferral of the amendment's effective date.

Accordingly, Section 339.5(b)(2) is amended as follows: The third sentence in § 339.5(b)(2)(i) is amended by inserting the words "has been identified as a flood-prone area for one year or longer and" between the words "community" and "is."

The last two sentences in § 339.5(b)(2)(ii) are amended to read:

(b) * * *
(2) * * *
(ii) * * *

In the event the property is damaged by flooding in a federally declared disaster, federal disaster relief assistance will be unavailable if your community has been identified as a flood-prone area for one year or longer. Such assistance may be available only if, at the time the assistance would be approved, your community is participating in the National Flood Insurance Program or has been identified as a flood-prone area for less than one year.

By order of the Board of Directors, December 16, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,

[FR Doc.77-36478 Filed 12-21-77;8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-GL-24, Amdt. 39-3101]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers; Three Bladed Constant Speed Models D3A34C401 and D3A34C402

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the replacement of all the (cadmium plated) propeller blade actuating pin screws, P/N A-1635-104, with new (black oxide) screws, P/N A-1635-108, on certain McCauley Model D3A34C401 and D3A34C402 propellers. This action is considered necessary due to instances of premature screw failures attributed to hydrogen embrittlement. Such screw failures can result in separation of the actuating pin from the propeller blade followed by loss of propeller control in flight and excessive vibration.

DATES: Effective December 28, 1977. Compliance schedule—Compliance required within 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Information relating to the service documents referenced in the body of the AD may be obtained from McCauley Accessory Division, Cessna Aircraft Co., 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: There recently have been several instances of the subject propeller's blade actuating pin screws failing with resultant loss of pitch control of the affected propeller blades. Consequently, excessive vibration occurred, necessitating certain early or forced landings. Since this condition is likely to exist in other propellers of the same design, an airworthiness directive is being issued to require replacement of the affected screws.

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. W. Hacker, 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 three bladed constant speed Model D3A34C401 and D3A34C402 propellers installed on but not limited to the Cessna Model TU206G, T207A, and T210M aircraft:

Affected Propeller Serial Numbers: 765815, 765820, 765821, 765822, 765823, 765824, 765828, 766622, 766624, 766625, 766626, 766627, 766638, 766639, 766640, 766641, 766642, 766643, 766644, 767451, 767452, 767453, 767454, 767455, 767456, 767457, 767458, 767471, 767472, 767473, 767474, 767475, 767476, 767477, 767479, 767480, 767481, 767661, 767662, 767663, 767664, 767665, 767666, 767667, 767668, 767678, 767679, 767680, 767682, 767683, 767684, 767776, 767777, 767778, 767799, 767800, 767801, 767802, 767803, 767804, 767805, 767806, 767822, 767823, 767824, 767825, 767826, 767827, 767828, 767829, 767830, 767831, 767832, 767833, 767834, 767835, 767837, 767838, 767839, 767879, 767880, 768190, 768191, 768192, 768193, 768194, 768195, 768196, 768197, 768199, 768202, 768254, 768335, 768336, 768337, 768338, 768339, 768340, 768341, 768342, 768343, 768344, 768345, 768346, 768347, 768348, 768349, 768350, 768351, 768352, 768353, 768354, 768560, 768888, 768889, 768890, 768891, 768892, 768893, 768970, 768971, 769002, 769007, 769008, 769009, 769092, 769093, 769094, 769209, 769210, 769211, 769212, 769214, 769215, 769216, 769217, 769229, 769230, 769264, 769265, 769266, 769267, 769269, 769288, 769289, 769291, 769292, 769449, 769450, 769451, 769452, 769453, 769454, 769455, 769456, 769457, 769459, 769460, 769548, 769549, 769550, 769551, 769552, 769553, 769555, 769556, 769557, 770212, 770213, 770214, 770216, 770217, 770218, 770219, 770220, 770221, 770222, 770223, 770224, 770225, 770226, 770390, 770391, 770392, 770394, 770489, 770490, 770491, 770492, 770583, 770584, 770585, 770606, 770609, 770610, 770611, 770612, 770613, 770614, 770615, 770623, 770624, 770625, 770626, 770627, 770628, 770629, 770630, 770631, 770632, 770633, 770634, 770635, 770636, 770637, 770638, 770639, 770640, 770641, 770642, 770721, 770722, 770723, 770724, 770725, 770864, 770865, 770866, 770867, 770868, 770869, 770870, 770871, 770872, 770873, 770874, 770875, 770876, 770877, 770878, 770879, 770880, 770881, 770882, 770883, 770884, 770885, 771659, 771660, 771661, 771662, 771663, 771664, 771665, 771676, 771677, 771679, 771680, 771681, 771682, 771683, 771684, 771685, 771813, 771844, 771845, 771846, 771987, 771988, 772004, 772005, 772006, 772007, 772008, 772010, 772011, 772012, 772013, 772014, 772015, 772017, 772041, 772042, 772204, 772205, 772206, 772207, 772208, 772209, 772210, 772250, 772251, 772252, 772253, 772254, 772255, 772256, 772257, 772506, 772507, 772509, 772510, 772518, 772519, 772520, 772521, 772683, 772694, 772696, 772698, 772699, 772700, 772701, 772702, 772703, 772704, 772705, 772731, 772732, 772733, 772735, 772865, 772866, 772940, 772941, 772942, 772943, 772945, 772946, 772974, 772975, 772977, 772981, 772983, 772984, 773011, 773093, 773094, 773095, 773096, 773097, 773098, 773101, 773192, 773193, 773195, 773196, 773197, 773198, 773199, 773200, 773201, 773202, 773205, 773207, 773342, 773343, 773533, 773709, 773775, 773780, 773783, 773785, 773787, 773918, 773924.

NOTE.—Serial numbers are stamped on the side of the propeller hub. These propellers are equipped with Model 90DFA-() blades (usually—10 cutoff).

Compliance required within 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible blade pitch control failures, accomplish the following:

(a) Replace blade actuating pin screws, P/N A-1635-104 (cadmium plated), with new screws, P/N A-1635-108 (black oxide) in accordance with McCauley Service Bulletin No. 129, dated October 7, 1977, and Service Manual No. 761001, or later Federal Aviation Administration approved revisions.

(b) Replacement of the above parts must be accomplished by a Federal Aviation Administration Certificated Propeller Repair Station, since it is considered a major repair.

(c) When the affected propellers are approved for return to service, compliance with this airworthiness directive shall be noted in the Aircraft's Records.

(Cessna Service Letter SE-77-37 dated October 10, 1977, also pertains to this subject.)

The manufacturer's specifications and procedures identified 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 Co., 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: December 28, 1977.

(Secs. 313(a), 601, 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 Des Plaines Ill., on December 12, 1977.

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

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

[FR Doc.77-36460 Filed 12-21-77;8:45 am]

[4910-13]

[Docket No. 77-EA-73, Amdt. 39-3102]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) is applicable to Piper PA-23 and PA-31 type airplanes. The rule requires an inspection and maintenance where necessary of the fuel valve control wires at swivel fittings, control arm and actuating lever connections. Binding control wires have failed causing engine failure.

EFFECTIVE DATE: December 27, 1977.

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

FOR FURTHER INFORMATION CONTACT:

F. Covelli, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of engine malfunctions due to failure of the fuel valve selector control cable wire at swivel fitting attachment points. These failures were attributed to kinked, bent, or binding wires. Since this deficiency can exist or develop in airplanes of similar design an AD is being issued which will require an inspection of the wires at the swivel points and any necessary maintenance. In view of the effect on air safety, notice and public procedure hereon are im-

practical and good cause exists for making the rule (AD) effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are F. Covelli, 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, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

PIPER.—Applies to all Models PA-23, PA-23-160, PA-23-235, PA-23-250, PA-E23-250, PA-31, PA-31-300, PA-31-325 and PA-31P certificated in all categories which have accumulated 300 or more hours in service.

Compliance required within the next 100 hours in service after the effective date of this AD and within each 100-hour interval thereafter.

In order to prevent fuel valve control cable failure or seizure, accomplish the following:

(a) Visually inspect, using 10x power magnification, all fuel valve control cable wires at each swivel fitting and at idler control arm and actuating lever connections. Inspect for cracks, sharp radius bends and kinks in the control wires. Refer to Piper Service Bulletins Nos. 507 and 277 for inspection locations. Replace any cable inner wire that exhibits an adverse condition as described above with a like serviceable part.

(b) Inspect all fuel valves and control cables through all detent positions in accordance with Piper Service Bulletin No. 507 or subsequent approved revisions and Sections III and IX of the appropriate Piper Service Manual for the following:

1. Rigging and adjustment.

2. Unrestricted motion of cable wires, swivel fitting and valve actuating levers.

3. Proper lubrication of fuel valve attachments and controls.

Correct any unsatisfactory conditions in accordance with the appropriate aforementioned Piper Service documents.

(c) Aircraft may be flown to a base where the maintenance required by this AD may be performed per FAR 21.197 and 21.199.

(d) Upon submission of substantiating data through an FAA maintenance inspector, the Chief, Engineering & Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals.

(e) Equivalent inspections and procedures must be approved by the Chief, Engineering & Manufacturing Branch, FAA Eastern Region.

Effective date. This amendment is effective December 27, 1977.

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

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

Issued in Jamaica, N.Y., on December 13, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36466 Filed 12-21-77;8:45 am]

[4910-13]

[Docket No. 77-EA-77, Amdt. 39-3100]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) amends AD 77-03-07 applicable to DeHavilland DHC-6, so as to revise the applicable service bulletin. The AD concerns the elevator bellcrank and hand pump mounting. The revision is necessary to correct two typographical errors relating to part numbers.

EFFECTIVE DATE: December 26, 1977.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at DeHavilland of Canada, Ltd., at Downsview, Ontario, Canada. A copy of the service bulletin is contained in the docket of the Office of Regional Counsel, FAA, Eastern Region, Jamaica, N.Y.

FOR FURTHER INFORMATION CONTACT:

I. Mankuta, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y., 11430, tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: This amendment only refers to a revision of the applicable service bulletin which revision corrects typographical errors found in the basic bulletin. In view of the foregoing, notice or 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 I. Mankuta, 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, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 77-03-07, as follows:

In paragraphs (a)(1) and (c) change Revision B to Revision C and delete the date December 17, 1976.

Effective date: This amendment is effective December 26, 1977.

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

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, N.Y., on December 12, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36467 Filed 12-21-77;8:45 am]

[4910-13]

[Docket No. 77-WE-39-AD; Amdt. 39-3103]

PART 39—AIRWORTHINESS DIRECTIVES

Ted Smith Aerostar Models 600, 601, & 601P Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires changes to the Airplane Flight Manual, the installation of a placard concerning fuel system operation and the installation of a low fuel warning light on all Ted Smith Aerostar Model 600, 601, and 601P airplanes. The AD is needed to prevent engine fuel starvation due to fuel system mismanagement.

DATES: Effective, December 30, 1977. Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins and flight manual pages may be obtained from: Ted Smith Aerostar, Customer Service Department, 2560 Skyway Drive, Santa Maria, Calif. 93454.

Copies of the AFM changes, placard and low fuel level warning light installation instructions and appropriate service bulletins are contained in: Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Blvd., Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There have been reports of multiengine fuel starvation accidents in Ted Smith Aerostar 600 series aircraft with significant amounts of fuel remaining in one or more fuel tanks. Since this condition is likely to develop on other airplanes of the same type design an airworthiness directive is being issued which requires the installation of a placard, a low fuel level warning light and changes to the AFM on Ted Smith Aerostar 600 series aircraft to reduce the probability of fuel starva-

tion due to fuel system mismanagement.

Other elements of the fuel system including the fuel vent system are the objects of continuing study which may result in future airworthiness directive action.

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

DRAFTING INFORMATION

The principal authors of this document are Donald W. Watt, Aircraft Engineering Division, and Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

TED SMITH AEROSTAR: Applies to Aerostar Models 600, 601, and 601P certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To reduce the probability of fuel starvation to engines due to fuel system mismanagement accomplish the following:

(a) Within the next 10 hours time in service from the effective date of this AD, install placard (P/N 030100-1) and revise the Airplane Flight Manuals for all models of Ted Smith Aerostar 600, 601, and 601P airplanes by incorporating FAA approved revised pages dated November 7, 1977 or later FAA approved revision in accordance with Ted Smith Service Bulletin 600-70 dated December 9, 1977, or later FAA approved service bulletin revision.

(b) Within the next 100 hours time in service from the effective date of this AD or within 90 days from the effective date of this AD, whichever occurs first, install a low level fuel warning light in accordance with Ted Smith Aerostar Service Bulletin 600-71 dated December 12, 1977, or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Ted Smith Aerostar Customer Service Department, 2560 Skyway Drive, Santa Maria, California 93454. These documents may also be examined at FAA Western Region headquarters, 15000 Aviation Boulevard, Hawthorne, Calif. and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. An historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region headquarters.

This amendment becomes effective December 30, 1977.

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

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

Issued in Los Angeles, California on December 14, 1977.

JAY R. ADSEN,
Acting Director, Federal Aviation Administration Western Region.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-36642 Filed 12-21-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-AEA-89]

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

Alteration of Transition Area: Williamsburg, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Williamsburg, Va., transition area. This alteration will change the geographic coordinates of the Williamsburg-Jamestown Airport, Williamsburg, Va., by thirty-one seconds to the west. The change occurs as a result of a survey by National Ocean Survey (NOS).

EFFECTIVE DATE: 0901 G.m.t. December 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The amendment changes the longitude of the airport from 76°42'28" W. to 76°42'59" W. for a total change of 31 seconds or less than ½ mile. Since the foregoing is minimal in nature and imposes no additional burden on any person, notice or public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. December 29, 1977, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Williamsburg, Va. transition area by deleting, "37°14' 20" N., 76°42'28" W.," and by inserting "37°14'20" N., 76°42'59" W.," in lieu thereof.

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

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

Issued in Jamaica, N.Y., on December 8, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36463 Filed 12-21-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-85]

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

Alteration of Transition Area: Franklin, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Franklin, Va., transition area. The rule will delete the extension based on the Franklin NDB except to retain a small portion as part of a new VOR/DME-27 extension. The result will be an overall decrease in the controlled airspace.

EFFECTIVE DATE: 0901 G.m.t. January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Morris Rosen, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The elimination of the extension of the transition area based on the Franklin NDB, results in an overall decrease in controlled airspace. Thus, notice or public procedure hereon are unnecessary and good cause exists for making the rule effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Morris Rosen, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is

amended, effective 0901 G.m.t. January 26, 1978, as follows:

1. Amend § 71.181 of Part 71 Federal Aviation Regulations by altering the Franklin, Virginia 700-foot floor transition area by deleting, "and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east." and by substituting therefor, "within 2 miles each side of the Franklin VORTAC 096° radial extending from the 6.5-mile radius area to 13 miles east of the VORTAC."

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

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

Issued in Jamaica, N.Y., on December 7, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36464 Filed 12-21-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-55]

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

Designation of Transition Area: Tahlequah, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area to provide controlled airspace for aircraft executing instrument approach procedures to the Tahlequah Municipal Airport. Coincident with this action, the airport is changed from VFR to IFR.

EFFECTIVE DATE: March 23, 1978.

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:

HISTORY

On October 31, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 56955) stating that the Federal Aviation Administration proposed to designate the Tahlequah, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Four comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Tahlequah, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Tahlequah Municipal Airport.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., March 23, 1978 as follows.

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

TAHLEQUAH, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Tahlequah Municipal Airport, Tahlequah, Okla., (latitude 35°55'40" N., longitude 95°00'15" W.); within 3.5 miles each side of the 007° bearing from the Tahlequah NDB (latitude 35°55'35" N., longitude 95°00'20" W.) extending from the 8.5-mile radius area to 11.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 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 December 13, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.77-36465 Filed 12-21-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-79]

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

Alteration of Transition Area: Ogdensburg, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Ogdensburg, N.Y., Transition Area, over Ogdensburg International Airport, Ogdensburg, N.Y. The alteration will reflect a 2° change in the referenced bearing of 077° to 075° and increasing the width of the extension from 4 miles to 7 miles and the length by 3.5 miles. This results from the development of a new NDB instrument approach procedure.

EFECTIVE DATE: 0901 GMT December 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on November 3, 1977, (42 FR 57468). Interested parties were given time to submit comments. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT December 29, 1977, as published.

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

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

Issued in Jamaica, N.Y., on December 12, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulation so as to amend the description of the Ogdensburg, N.Y., 700-foot floor transition area as follows: delete, "within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon." and insert in lieu thereof, "within 3.5 miles each side of a 075° bearing from the Ogdensburg RBN, (44° 41'30" N., 75°24'25" W.), extending from the 5-mile radius area to 11.5 miles east of the RBN."

[FR Doc.77-36640 Filed 12-21-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-76]

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

Alteration of Transition Area: Elmira, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This will alter the Elmira, N.Y., Transition Area, over Chemung County Airport, Elmira, N.Y. The extension based on the 237° VOR radial will be widened and lengthened. This results from the development of a revised VOR runway 6 approach procedure.

EFFECTIVE DATE: 0901 GMT December 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430; telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on October 11, 1977, (42 FR 54836). Interested parties were given time to submit comments. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT December 29, 1977, as published.

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

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

Issued in Jamaica, N.Y., on December 13, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Elmira, N.Y., 700-foot floor transition area by deleting "within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR" and by inserting, "within 4.5 miles each side of the Elmira VORTAC 237° radial, extending from the 12-mile radius area to 11.5 miles SW of the VORTAC", in lieu thereof.

[FR Doc.77-36641 Filed 12-21-77;8:45 am]

[4910-13]

[Docket No. 17498; Amdt. No. 152-7]

PART 152—AIRPORT AID PROGRAM

Labor Contract Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment incorporates the new labor standards involving apprenticeship and training programs which must be employed in airport aid grant construction contracts. The amendment was made necessary by changes in the Department of Labor regulations.

EFFECTIVE DATE: December 27, 1977.

FOR FURTHER INFORMATION CONTACT:

James Burnett, Development Programs Division, Program Requirements Branch, (AAP-650), 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3857.

SUPPLEMENTARY INFORMATION: Section 22 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1722) sets forth requirements pertaining to the minimum rates of wages to be paid for work on projects for airport development. That legislation has been implemented by § 152.55(a) of the Federal Aviation Regulations (14 CFR 152.-55(a)). The minimum rates are those established by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5).

The Secretary of Labor has revised Part 5 of the regulations (29 CFR Part 5) which govern the use of apprentices and trainees in government contracts in an amendment to Title 29 of the Code of Federal Regulations (40 FR 30480; July 21, 1975). The amendment deleted Part 5a (29 CFR Part 5a), Labor Standards For Ratios of Apprentices and Trainees To Journeymen On Federal and Federally Assisted Construction, from the regulations, while incorporating many of the provisions of that part in the republished Part 5. The amended Department of Labor regulations require that all training programs have prior approval in order for contractors in Federal or Federally assisted construction projects to pay trainees a trainees wage rate (§ 5.2(c)(2)) and not the wage rate of a journeyman. They also specify that only an allowable ratio of trainees to journeymen be employed, and that those employed receive the proper wage. All records of wages paid must be maintained and available for inspection by the contracting officer or a representative of the Wage and Hour Division of the Department of Labor (§ 5.5). Finally, revised Part 5 mandates that in all Federal or Federally assisted construction contracts, apprentices, trainees, and journeymen be utilized in conformity with equal opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

This amendment to Part 152, Appendix H incorporates the amended regulations of the Department of Labor. All references to Part 5a of the Department of Labor regulations have been deleted, and Paragraph D has been revised in accordance with the Department of Labor regulations applicable to apprentices and trainees. Editorial changes in the Department of Labor regulations require the FAA to amend Paragraph K and subparagraphs A(4) and C(2) of Appendix H to conform those paragraphs to the applicable Department of Labor regulations.

Subparagraph H(2) has been deleted because the Regulations of the Secretary of Labor do not require the insertion of this subparagraph in a Federal or federally funded construction contract.

Paragraph I has been revised to update the references therein, to incorporate the current occupational and health standards regulations of the Department of Labor.

Section 152.55(a) of the Federal Aviation Regulations (14 CFR 152.55(a)) allows the Director, Airports Service, to amend any provision of Appendix H as required to conform Appendix H to the applicable regulations of the Department of Labor. The FAA has transferred the duties and responsibilities of the Director, Airports Service, to the Assistant Administrator, Office of Airports Programs. This amendment revises § 152.-55(a) to reflect that change.

The principal authors of this document are James Burnett, Office of Airports Programs, and Richard J. Burton, Office of the Chief Counsel.

Since this amendment relates to grants made under the Airport Aid Program and since the revised contract provisions are required to be inserted in each construction contract by section 22 of the Airport and Airway Development Act of 1970, as amended, and the regulations of the Secretary of Labor, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Accordingly, Part 152 of the Federal Aviation Regulations (14 CFR Part 152) is amended, effective December 27, 1977, as follows:

§ 152.55 [Amended]

1. By deleting the phrase "Director, Airports Service" and substituting therefore the phrase "Assistant Administrator, Office of Airports Programs" in the second sentence in § 152.55(a).

2. By amending Appendix H by deleting the phrase "and 5a" in the introductory paragraph and revising paragraphs A(4), C(2), D, H, I, and K to read as follows:

A. *Minimum wages.*

* * * * *

(4) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program (29 CFR 5.5(a)(1)(iv)).

* * * * *

C. *Payrolls and basic records.*

* * * * *

(2) The contractor will submit weekly a copy of all payrolls to the (insert sponsor's name) for availability to the FAA, as required by § 152.59(a). The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 29 CFR 5.5(a)(1)(iv) (see subparagraph (4) of paragraph A above), shall satisfy this requirement. The prime contractor shall be responsible for submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the FAA and the Department of Labor, and will permit such representatives to interview employees during working hours on the job. Contractors employing apprentices or trainees under approved programs shall include a notation on the first weekly certified payrolls submitted to the (insert sponsor's name) for availability to the FAA, that their employment is pursuant to an approved program and shall identify the program (29 CFR 5.5(a)(3)(ii)).

* * * * *

D. *Apprentices and trainees.*

(1) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subparagraph (2) of this paragraph or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the (insert sponsor's name) or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination (29 CFR 5.5(a)(4)(i)).

(2) *Trainees.* Except as provided in 29 CFR 5.15 trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the (insert sponsor's name) or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved (29 CFR 5.5(a)(4)(ii)).

(3) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this paragraph shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30 (29 CFR 5.5(a)(4)(iii)).

(4) *Application of 29 CFR 5.5(a)(4).* On contracts in excess of $2,000 the employment of all apprentices and trainees as defined in 29 CFR 5.2(c) shall be subject to the provisions of 29 CFR 5.5(a)(4) (see paragraph D (1), (2), and (3) above.

* * * * *

H. *Withholding for unpaid wages and liquidated damages.* The FAA may withhold or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph G of this provision (29 CFR 5.5(c)(3)).

I. *Working conditions.* No contractor may require any laborer or mechanic employed in the performance of any contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to his health or safety as determined under construction safety and health standards (29 CFR Part 1926) and other occupational and health standards (29 CFR Part 1910) issued by the Department of Labor.

* * * * *

K. *Contract termination debarment.* A breach of clause A, B, C, D, E, or J may be grounds for termination of the contract, and for debarment as provided in § 5.6 of the Regulations of the Secretary of Labor as codified in 29 CFR 5.6 (29 CFR 5.5(a)(7)).

(Sec. 22, Airport and Airway Development Act of 1970, as amended 49 U.S.C. 1722), § 1.47(f)(1), Regulations of the Office of the Secretary of Transportation, (49 CFR 1.47(f)(1).)

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 December 16, 1977.

LANGHORNE BOND,
Administrator.

[FR Doc.77-36643 Filed 12-21-77;8:45 am]

[4810-22]

Title 19—Customs Duties

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

[T.D. 78-2]

PART 153—ANTIDUMPING

Antidumping; Animal Glue and Inedible Gelatin From the Netherlands

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to advise the public that separate investigations under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission have resulted in determinations that animal glue and inedible gelatin from the Netherlands are being sold at less than fair value and that these sales are injurying, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise from August 3, 1977, until such time as this action is modified, will be liable for the possible assessment of dumping duties.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara J. Victor, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 220-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that animal glue and inedible gelatin from the Netherlands are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of August 3, 1977 (42 FR 39289-90).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on October 29, 1977, it notified the Secretary of The Treasury that an industry in the United States is being, or is likely to be, injured by reason of the importation of animal glue and inedible gelatin

from the Netherlands that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 3, 1977 (42 FR 57565–70).)

Section 153.46 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

* * * * *

Merchandise, Country, and T.D.

* * * * *

Animal Glue and Inedible Gelatin, the Netherlands, 78–2.

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

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

DECEMBER 16, 1977.

[FR Doc.77–36536 Filed 12–21–77;8:45 am]

[4810–22]

[T.D. 78–1]

PART 153—ANTIDUMPING

Antidumping; Animal Glue and Inedible Gelatin From West Germany

AGENCY: Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to advise the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission have resulted in determinations that animal glue and inedible gelatin from West Germany, with the exception of one producer, are being sold at less than fair value and that these sales are injuring, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise, with the exception of one producer, from August 3, 1977, until such time as this action is modified, will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara J. Victor, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that animal glue and inedible gelatin from West Germany, other than that produced and sold by Elektrochemische Fabrik Kempen GmbH, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of August 3, 1977 (42 FR 39287–88).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on October 29, 1977, it notified the Secretary of the Treasury that an industry in the United States is being, or is likely to be, injured by reason of the importation of animal glue and inedible gelatin from West Germany, except animal glue or inedible gelatin produced in West Germany by Elektrochemische Fabrik Kempen GmbH, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 3, 1977 (42 FR 57565–70).)

Section 153.46 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

* * * * *

Merchandise, Country, and T.D.

* * * * *

Animal Glue and Inedible Gelatin, except that produced and sold by Elektrochemische Fabrik Kempen GmbH, West Germany, 78–1.

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

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

DECEMBER 16, 1977.

[FR Doc.77–36535 Filed 12–21–77;8:45 am]

[4810–22]

[T.D. 78–3]

PART 153—ANTIDUMPING

Antidumping—Animal Glue and Inedible Gelatin From Sweden

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to advise the public that separate investigations under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission have resulted in determinations that animal glue and inedible gelatin from Sweden are being sold at less than fair value and that these sales are injuring, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise from August 3, 1977, until such time as this action is modified, will be liable for the possible assessment of dumping duties.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara J. Victor, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that animal glue and inedible gelatin from Sweden are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of August 3, 1977 (42 FR 32988–89).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on October 29, 1977, it notified the Secretary of the Treasury that an industry in the United States is being or is likely to be injured by reason of the importation of animal glue and inedible gelatin from Sweden that are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 3, 1977 (42 FR 57565–70).)

Section 153.46 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

* * * * *

Merchandise, Country, and T.D.

Animal Glue and Inedible Gelatin, Sweden, 78–3.

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

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

DECEMBER 16, 1977.

[FR Doc.77–36537 Filed 12–21–77;8:45 am]

[4810–22]

[T.D. 78–4]

PART 153—ANTIDUMPING

Antidumping—Animal Glue and Inedible Gelatin From Yugoslavia

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping.

SUMMARY: This notice is to advise the public that separate investigations under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission have resulted in determinations that animal

glue and inedible gelatin from Yugoslavia are being sold at less than fair value and that these sales are injuring, or are likely to injure, an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise from August 3, 1977, until such time as this action is modified, will be liable for the possible assessment of dumping duties.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara J. Victor, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that animal glue and inedible gelatin from Yugoslavia are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of August 3, 1977 (42 FR 32988).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likehood of injury. The United States International Trade Commission has determined, and on October 29, 1977, it notified the Secretary of the Treasury that an industry in the United States is being, or is likely to be, injured by reason of the importation of animal glue and inedible gelatin from Yugoslavia that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 3, 1977 (42 FR 57565-70).)

Section 153.46 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

* * * * *

Merchandise, Country, and T.D.
Animal Glue and Inedible Gelatin, Yugoslavia, 78-4.

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

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

DECEMBER 16, 1977

[FR Doc.77-36538 Filed 12-21-77;8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3755]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: The addresses where flood flood insurance policies can be obtained are published at 24 CFR 1912.7.

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 Flood Disaster Protection Act of 1973 (Pub. L. 93-234), amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) for acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) for property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(a) of the Act unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
North Carolina	Pamlico	Alliance, town of	Nov. 9, 1977, emergency		380404—New
Arkansas	Sharp	Hardy, city of	Nov. 11, 1977, emergency	Apr. 25, 1975	050330
Iowa	Clinton	Charlotte, city of	Nov. 10, 1977, emergency	Aug. 6, 1976	190087
Missouri	Newton	Silver Creek, village of	Nov. 11, 1977, emergency	Oct. 29, 1976	290524
Nebraska	Fillmore	Shickley, village of	do	May 2, 1975	310317
Texas	El Paso	Clint, city of	do	Nov. 19, 1976	481360
Do.	Rockwall	Heath, city of	do	Nov. 19, 1977	480545
Do.	Parker	Willow Park, city of	do	Nov. 12, 1976	481164
Montana	Cascade	Great Falls, city of	May 19, 1972, emergency; Sept. 30, 1977, regular; Oct. 1, 1977, suspended; Nov. 2, 1977, reinstated.	June 28, 1974 Aug. 17, 1975	300010-B
Pennsylvania	Schuylkill	Pottsville, city of	June 28, 1973, emergency; July 5, 1977, regular; Sept. 1, 1977, suspended; Nov. 3, 1977, reinstated.	Aug. 2, 1974	420785-B
*	*	*	*	*	*
Kansas	Cowley	Dexter, city of	Nov. 21, 1977, emergency	July 25, 1977	200404
Pennsylvania	Huntingdon	Warriors Mark, township of	Nov. 22, 1977, emergency	Jan. 17, 1975	421706
New York	Oswego	Lacona, village of	Nov. 25, 1977, emergency	Nov. 22, 1974 June 18, 1976	361350
North Carolina	Madison	Hot Springs, town of	Nov. 17, 1977, emergency	Sept. 17, 1976	370153
South Carolina	Horry	Briarcliffe Acres, town of	Nov. 25, 1977, emergency		450232—New
Minnesota	Benton	Sauk Rapids, city of	June 18, 1973, emergency; Oct. 14, 1977, regular; Nov. 2, 1977, suspended; Nov. 17, 1977, reinstated.	Oct. 12, 1973 Dec. 31, 1976	270023-C
Wisconsin	Green Lake	Berlin, city of	Sept. 26, 1973, emergency; Sept. 30, 1977, regular; Oct. 1, 1977, suspended; Nov. 17, 1977, reinstated.	Jan. 16, 1974	550166-B

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Missouri	Grundy	Galt, city of	Nov. 25, 1977, emergency	Oct. 18, 1974 Apr. 2, 1976	290151-A
Do.	Platte	Northmoor, city of	do.	July 19, 1974 Nov. 14, 1975	290293-A
New York	Thompkins	Cayuga Heights, village of	do.		361504—New
North Carolina	Wake	Morrisville, town of	do.	Oct. 29, 1976	370242-A
Utah	Millard	Kanosh, town of	do.	Apr. 2, 1976	490098
*	*	*	*	*	*
Arkansas	Crawford	Van Buren, city of	Nov. 16, 1977, suspension withdrawn	Nov. 16, 1973 Apr. 23, 1976	050053-B
Florida	Walton	Unincorporated areas	do.	Feb. 21, 1975	120317-A
Michigan	Muskegon	Norton Shores, city of	do.	Sept. 15, 1972	260165-A
North Carolina	Rockingham	Madison, town of	do.	Nov. 22, 1974	370207-A
North Dakota	Cass	Fargo, city of	do.	Apr. 10, 1970	385364-A
Pennsylvania	Montgomery	Horsham, township of	do.	June 21, 1974 June 18, 1976	420709-B
Do.	do.	Upper Merion, township of	do.	May 10, 1974	420937-A
Do.	Luzerne	Wyoming, borough of	do.	Feb. 9, 1973 Mar. 22, 1974	420533-C
*	*	*	*	*	*
Connecticut	Fairfield	Greenwich, town of	Nov. 2, 1977, suspension withdrawn	Oct. 18, 1974	090008
Florida	Santa Rosa	Unincorporated areas	do.	Jan. 24, 1975	120274
Kentucky	Hardin	West Point, city of	do.	May 17, 1974 Mar. 5, 1976	210087-A
Massachusetts	Barnstable	Falmouth, town of	do.	May 18, 1977	255211-C
Do.	Plymouth	Marshfield, town of	do.	Aug. 30, 1974	250255
Minnesota	Polk	East Grand Forks, city of	do.	Sept. 13, 1974 July 23, 1976	275356-A
Missouri	Platte	Riverside, city of	do.	Nov. 30, 1973	290296
New Jersey	Ocean	Ocean, township of	do.	Feb. 28, 1975	340518
Do.	Morris	Passaic, township of	do.	Feb. 15, 1974	340350
New York	Wayne	Arcadia, town of	do.	Apr. 12, 1974 June 11, 1976	360972-A
Do.	Erie	Evans, town of	do.	May 31, 1974 Aug. 20, 1976	360340-A
Do.	Broome	Johnson City, village of	do.	Apr. 12, 1974 Sept. 19, 1974	360047-A
Do.	Sullivan	Liberty, village of	do.	Mar. 8, 1974 Apr. 30, 1976	360824-B
Do.	Suffolk	North Haven, village of	do.	Mar. 22, 1974	360809
Do.	Steuben	Painted Post, village of	do.	Sept. 7, 1973 Nov. 16, 1973	360728-B
Do.	do.	Fulteney, town of	do.	May 10, 1974	360780-A
Do.	Wayne	Sodus Point, village of	do.	Aug. 31, 1973 Oct. 24, 1975	360869-A
North Dakota	Grand Forks	Grand Forks, city of	do.	June 28, 1974	385366
Do.	Ransom	Enderlin, city of	do.	June 18, 1971	385393-B
Do.	Stutsman	Jamestown, city of	do.	May 26, 1972	385986-B
Ohio	Mahoning	Youngstown, city of	do.	Apr. 5, 1974 May 28, 1976	390073-A
Pennsylvania	Montgomery	Ambler, borough of	do.	May 31, 1974 Apr. 30, 1976	420947-A
Do.	do.	Lower Gwynedd, township of	do.	June 14, 1974 July 30, 1976	420953-A
Do.	Bucks	Nockamixon, township of	do.	July 19, 1974 June 18, 1976	420197-A
Do.	Delaware	Trainer, borough of	do.	Nov. 30, 1973	420432
Do.	Montgomery	West Conshohocken, borough of	do.	Jan. 16, 1974 June 11, 1976	420749-A
Do.	Chester	West Goshett, township of	do.	June 21, 1974 June 18, 1976	420299-A
South Carolina	Horry	North Myrtle Beach, town of	do.	Aug. 23, 1974 Sept. 5, 1975	450110-A
Texas	McLennan	Waco, city of	do.	Nov. 2, 1973	480461
Virginia	Amherst	Amherst, town of	do.	Jan. 31, 1975	510193
Washington	Okanogan	Conconully, town of	do.	July 9, 1971	530118
Do.	King	Normandy Park, city of	do.	June 28, 1974 Oct. 31, 1975	530084-A
Do.	Okanogan	Oroville, town of	do.	May 24, 1974 Jan. 2, 1976	530121-A
Do.	Whatcom	Unincorporated areas	do.	Sept. 30, 1977	530188
Wisconsin	Shawano	do.	do.	Oct. 14, 1977	550412
Wyoming	Laramie	Cheyenne, city of	do.	June 28, 1974 Jan. 16, 1976	560030-A
Do.	Natrona	Casper, city of	do.	Mar. 8, 1974 June 4, 1976	560057-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969 as amended 39 FR 2787, Jan. 24, 1974.)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-36273 Filed 12-21-77;8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 760-77]

PART 45—STANDARDS OF CONDUCT

Certain Restrictions on Speeches, Lectures, and Publications by Department Employees

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Standards of Conduct for the Department of Justice place certain restrictions on speeches, lectures, and publications by Department employees. These restrictions pertain primarily to situations in which the outside activity is closely related to the employee's work for the Department. The regulations do not, however, expressly prohibit employees from lending, or appearing to lend, official Department support to unrelated outside activities, such as fundraising for charitable, political, or similar causes.

The purpose of the new paragraph in the Department's Standards of Conduct is to prevent employees and outside or-

ganizations from utilizing the prestige of the Department in this fashion. Top-ranking officials will be barred from lending prominent support to fund-raising efforts under any circumstances, because it is difficult to separate the private and official activities of such persons. All other employees will be barred from lending prominent support to fund-raising efforts where it affirmatively appears that the organization intends to utilize the individual's affiliation with the Department to support the fundraising effort.

Exceptions are provided permitting employees to participate in the Combined Federal Campaign and similar drives and to appear at seminars, conferences, and meetings sponsored by appropriate organizations. The regulation has been approved by the Office of the General Counsel of the Civil Service Commission as required by 5 CFR 735.104.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Leon Ulman, Deputy Assistant Attorney General, Office of Legal Counsel, Washington, D.C. 20530, 202-739-2051.

By virtue of the authority vested in me by 5 U.S.C. 301, section 702 of Executive Order 11222, and 5 CFR 735.104, § 45.735-12 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new paragraph (d) to read as follows:

§ 45.735-12 Speeches, lectures, and publications.

* * * * *

(d) (1) The Attorney General, Deputy Attorney General, Associate Attorney General, and the heads of divisions shall not make speeches or otherwise lend their names or support in a prominent fashion to a fundraising drive or a fundraising event or similar event intended for the benefit of any person. No Department of Justice employee or special Government employee shall engage in any of these activities if the invitation was extended primarily because of his official position with the Department or if the fact of his official position with the Department has been or will be used in the promotion of the event to any significant degree.

(2) For purposes of this subsection, an event will be regarded as a fundraising event if any portion of the ticket or other cost of admission is designated as a charitable contribution for tax purposes, if one of its purposes is to produce net proceeds for the benefit of any person, or if it is a "kickoff" dinner or similar occasion that is part of a broader fundraising effort.

(3) Nothing in this subsection shall apply to the Combined Federal Campaign or any other authorized fundraising drive directed primarily at Federal employees.

(4) Nothing in this subsection shall apply to a meeting, seminar, or conference sponsored by a professional or other appropriate organization where a tuition or other fee is charged for attendance if such tuition or fee is reasonable under the circumstances.

Dated: December 13, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-36455 Filed 12-21-77;8:45 am]

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

ALASKA

Waiver of Regulations To Extend Selection Deadline Under the Alaska Native Claims Settlement Act

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This waiver of regulations extends the deadline for filing section 14(h)(8) selections under the Alaska Native Claims Settlement Act to March 20, 1978.

EFFECTIVE DATE: December 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Beau McClure, 202-343-3078 or Bob Sorenson, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

As part of a general review by the Department of the Interior of the implementation of the Alaska Native Claims Settlement Act (ANCSA), certain policy decisions are expected to be completed during January of 1978. The regulations involving land availability and selection under section 14(h)(8) of the ANCSA are among those issues under review. In order that the Native Corporations may have the benefit of any decisions made by the review, an extension of selection time is appropriate.

It is hereby ordered, as authorized by the terms of 43 CFR 2650.0-8, that the time for filing applications for selection under 14(h)(8) of the ANCSA as specified in 43 CFR 2653.4(c), is extended to and including March 20, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.

DECEMBER 16, 1977.

[FR Doc.77-36435 Filed 12-21-77;8:45 am]

[1505-01]

Title 49—Transportation

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

[Docket No. FE 76-2; Notice 2]

PART 527—REDUCTION OF PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Final Rule

Correction

In FR Doc. 77-32887 appearing at page 58938 in the same of Monday, November 14, 1977 on page 58947 § 527.11(a)(2) should be corrected to read as follows:

(a)

(1) * * *

(2) If the condition in paragraph (a)(1)(i) of this section is not met but the condition in paragraph (a)(1)(ii) of this section is met, the petitioner shall provide the information specified in §§ 527.6, 527.7, and 527.8 for the passanger automobiles described in paragraph (a)(1)(ii).

[4910-59]

[Docket No. 73-03; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Interim final rule.

SUMMARY STATEMENT: This notice amends Standard No. 222, School Bus Passenger Seating and Crash Protection, increasing the maximum allowable seat spacing from 20 to 21 inches. The agency intended that the seats be spaced approximately 20 inches apart (S5.2). However, because of manufacturing tolerances, some school bus manufacturers are spacing their seats at distances less than 20 inches to ensure that the spacing does not exceed the prescribed maximum. A seat spacing specification of 21 inches permits 20-inch spacing of seats by taking manufacturing tolerances into account. This spacing will accommodate large high school students while still ensuring a safe level of school bus seat performance.

EFFECTIVE DATE: December 27, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) makes effective immediately an interim minor modification of Standard No. 222, School Bus Passenger Seating and Crash Protection, which extends the maximum allowable seat spacing from 20 to 21 inches.

By a separate notice published today, the NHTSA proposes to extend permanently the seat spacing in school buses from 20 to 21 inches. Standard No. 222 would remain the same in all other respects. The proposal is being made to provide an opportunity for the public to comment upon the advisability of extending the maximum seat spacing 1 inch. A fuller discussion of the reasons behind this action is contained in that notice.

The NHTSA did not fully take into consideration the effect of manufacturing tolerances when it promulgated the

original rule. These tolerances along with the manufacturer's need to ensure compliance with the requirements have resulted in unnecessarily restricted seat spacing. To provide for the seat spacing that the agency has determined proper, therefore, the NHTSA is proposing to extend the maximum seat spacing to 21 inches. This extension should permit manufacturers to provide approximately the 20 inches of space between seats intended under the initial standard.

This amendment is being adopted without notice and public procedure and made effective immediately because of the urgent need for action. The NHTSA finds it important that the increase in seat spacing be made effective immediately to provide relief to manufacturers currently producing some buses with insufficient seat spacing. Since this amendment can be expected to result in the production of seats that are spaced at intervals at approximately 20 inches, the currently prescribed maximum, it should not reduce the level of safety established by the agency for school bus seats. Under the Administrative Procedures Act (5 U.S.C. 553(b)) notice and public procedure on a rule-making action are not required when such are found to be impracticable and contrary to the public interest. Given the immediate need to clarity the agency's intent with regard to seat spacing, and the determination that the agency's action will not degrade the safety level it has deemed necessary, it is found that notice and public procedure on this interim amendment would be impracticable and not in the public interest. The interim amendment is made effective immediately. It will remain in effect pending action on the proposed permanent amendment.

The agency has considered the economic impacts of this amendment and believes that it should not increase the costs of school buses.

The principal authors of this notice are Timothy Hoyt of the Office of Crashworthiness and Roger Tilton of the Office of Chief Counsel.

In light of the foregoing, Volume 49 of the Code of Federal Regulations, § 571.222, School Bus Passenger Seating and Crash Protection, is amended to read as follows:

1. Paragraph S5.2 of 49 CFR 571.222 is amended to read:

S5.2. *Restraining barrier requirements.* Each vehicle shall be equipped with a restraining barrier forward of any designated seating position that does not have the rear surface of another school bus passenger seat within 21 inches of its seating reference point, measured along a horizontal longitudinal line through the seating reference point in the forward direction.

2. Paragraph S5.2.1 of 49 CFR 571.-222 is amended to read:

S5.2.1. *Barrier-seat separation.* The horizontal distance between the restraining barrier's rear surface and the seating reference point of the seat in front of which the barrier is required shall not be more than 21 inches measured along a horizontal longitudinal line through the seating reference point in the forward direction.

(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); delegation of authority at 49 CFR 1.50.)

Issued on December 20, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-36620 Filed 12-20-77;1:48 pm]

[4310-55]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—ADMINISTRATIVE PROVISIONS

Subpart D—Permits

APPEALS PROCEDURES

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule sets forth the procedures for an aggrieved person to appeal an adverse decision or order of the Service with respect to that person's permit granted by the Service, or application therefor, regarding privileges within the National Wildlife Refuge System. Procedures for such appeals on a comprehensive basis have not been provided before, and this rule will establish filing guidelines.

DATE: Effective January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-343-4307.

SUPPLEMENTARY INFORMATION: Ralph H. Town is the principal author of this final rule.

Procedures for filing appeals on adverse actions within the National Wildlife Refuge System have previously been provided only for rights-of-way (50 CFR 29.22). The rights-of-way regulations have unergone extensve revision but the appeals procedure for rights-of-way will remain in that section. While few problems with appeals of Service decisions or orders concerning permits have existed in the past, it has been determined that the public should be provided with a procedure that clearly allows for filing an appeal which will be reviewed promptly and fairly by the proper authorities.

On July 7, 1977, there was published (42 FR 34897) a notice of proposed rulemaking amending 50 CFR Part 25, by the addition of a new § 25.44, Appeals procedure. The public was provided a 30-day comment period. No unfavorable comments were received. The final rule provides for a more liberal 30-day period within which to file an appeal, rather tran the 15-day period in the proposed rule. In addition to minor procedural and editorial changes, provision has also been made for a decision to be rendered by an area manager or regional director within 30 days from the postmarked date of the appeal.

Accordingly, 50 CFR Part 25 is amended by the addition of a new § 25.44 as follows:

§ 25.44 Appeals procedure.

(a) *Who may appeal.* Any person who is adversely affected by a refuge manager's decision or order relating to the person's permit granted by the Service, or application for permit, within the National Wildlife Refuge System. This section does not apply to permits or applications for rights-of-way. See § 29.22 for the hearing and appeals procedure on rights-of-way.

(b) *Preliminary Procedure.* Prior to making any adverse decision or order on a permit or application for permit, the refuge manager shall notify the permittee or applicant orally or in writing of the proposed action and its effective date. The permittee or applicant shall have twenty (20) days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or date. The permittee or applicant shall be notified in writing within twenty (20) days after receipt of the statement in opposition, of the refuge manager's final decision or order.

(c) *Appeals, how taken.* If the refuge manager still intends to proceed with the proposed action, the permittee or applicant shall have thirty (30) days from the postmarked date of the refuge manager's final decision or order in which to file a written appeal to the appropriate area manager. The appellant (permittee or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the area manager's decision. The appellant shall have (30) days from the postmarked date of the area manager's decision to further appeal in writing to the appropriate regional director.

(d) *Decision of regional director.* The regional director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

(e) *Oral presentation.* The appellant shall be provided an opportunity for oral presentation before the area manager or the regional director within the respective thirty (30) day appeal periods.

(f) *Addresses.* The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

(g) *Suspension pending appeal.* Compliance with any decision or order of a refuge manager shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the area manager

or regional director (depending upon the official before whom the appeal is pending), and then only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

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

Dated: December 14, 1977.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

[FR Doc.77-36450 Filed 12-21-77;8:45 am]

[3510-12]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Importation of Yellowfin Tuna and Tuna Products

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that Nicaragua is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e., porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for persons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts this nation from the importation prohibition provisions affecting yellowfin tuna and tuna products.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone: 202-634-7461.

SUPPLEMENTARY INFORMATION: The NMFS published regulations in the FEDERAL REGISTER on March 1, 1977, 42 FR 12010-12014, governing the taking of marine mammals incidental to commercial fishing operations. These regulations, as amended, include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP) effective January 1, 1978; contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with regulations published at 50 CFR 216.24(e)(5).

Canada, Ecuador, Mexico, and Netherlands Antilles previously supplied the NMFS with adequate information to indicate that their tuna purse seine operations in the ETP are in substantial conformance with U.S. regulations. Subsequently, the Assistant Administrator for Fisheries gave notice published at 42 FR 56617 on October 27, 1977, that yellowfin tuna and tuna products from those four nations are exempted from the importation prohibition provisions which would have affected them after December 31, 1977. Nicaragua is hereby given a similar exemption.

This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24(e)(5)(i), exempts Nicaragua from the import provisions concerning yellowfin tuna and tuna products listed in § 216.24(e)(2)(ii). However, the requirements listed in § 216.24(e)(4) will continue to apply. The Assistant Administrator considered all available information in making this finding. Information submitted by Nicaragua is available to the public at the information contact address set out above, and is summarized in the following:

NICARAGUA

(a) *Fleet.*—Two Nicaraguan tuna purse seine vessels will operate in the ETP in 1978. The vessels will be equipped with porpoise rescue gear similar to that used on U.S. vessels. The skippers on their vessels are familiar with the U.S. requirements and will follow them while fishing in the ETP.

(b) *Porpoise Mortality.*—The Nicaraguan government has stated that their vessles had not operated extensively in the ETP during 1977, and are presently located in the Atlantic Ocean. Therefore, porpoise mortality data had not been collected during their 1977 operations in the ETP.

(c) *Miscellaneous.*—Nicaragua, as a member of the Inter-American Tropical Tuna Commission (IATTC), will participate in the IATTC international tuna-porpoise research and observer program. Nicaragua may take advantage of a U.S. offer to assist in training Nicaraguan observers prior to placement on their vessels.

This finding will be subject to annual review by NMFS which will require an update of the items listed in § 216.24(e)(5)(ii) which supported the original finding.

The status of the international tuna purse seine fleet operating in the ETP will be monitored by NMFS. Changes to the list of nations affected by the importation prohibitions of yellowfin tuna and tuna products under § 216.24(e)(5) will be published in the FEDERAL REGISTER.

Dated: December 16, 1977.

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

[FR Doc.77-36506 Filed 12-21-77;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.

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 653]

TECHNICAL STANDARDS FOR CONSERVATION PRACTICES

Development and Availability

AGENCY: Soil Conservation Service (SCS).

ACTION: Proposed rulemaking.

SUMMARY: This rule describes the development and availability of service technical standards for conservation practices. These standards are needed to assure quality work where Federal funds are expended for technical services provided by the Soil Conservation Service.

DATE: Comments must be received on or before March 1, 1978.

ADDRESS: Mail comments to: Paul M. Howard, Assistant Administrator for Field Services, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Neil F. Bogner, Director, Engineering Division, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone 202-447-2520.

SUPPLEMENTARY INFORMATION: The proposed rules will describe the process to be followed in the development and maintenance of technical standards for soil and water conservation. These standards are needed to assure quality work where Federal funds are expended for technical services provided by the Soil Conservation Service.

Accordingly 7 CFR Part 653 is published as a proposed rule.

PART 653—TECHNICAL STANDARDS

Sec.

653.1 General.
653.2 Technical standards and criteria.
653.3 Adaptation of technical standards.
653.4 Availability of technical standards.

AUTHORITY: 7 CFR 2.62.

§ 653.1 General.

The Soil Conservation Service (SCS) is responsible for the technical adequacy of conservation practices installed under all SCS programs, and those practices applied under programs administered by the Agricultural Stabilization and Conservation Service (ASCS) where SCS has the technical responsibility. SCS technical or financial assistance will be provided when the practices are applied according to established technical standards.

§ 653.2 Technical standards and criteria.

Technical standards and criteria have been established for all conservation practices. They provide the guidance and direction needed to assure that the practices meet the intended purpose and are of the quality needed to assure lasting for the design life. Standards and criteria are developed in consultation with universities, research institutions, and individual industrial and private firms and individuals. Research information and practical experience are used in setting standards. Changes and new technical standards and criteria are prepared in the same manner as set out above.

§ 653.3 Adaptation of technical standards.

Technical standards and criteria developed on a national basis may require special adaptation to meet local needs. These adaptations must be approved by the Administrator of the Soil Conservation Service or his designee.

§ 653.4 Availability of technical standards.

Information on technical standards used by SCS is available at field, area, or State offices of SCS.

[FR Doc.77-36505 Filed 12-21-77;8:45 am]

[3410-02]

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO-269-A6]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Decision on Proposed Further Amendment of the Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing program covering California dates. The proposed changes were recommended by the California Date Administrative Committee, the industry group established under the program to administer its terms and provisions. The changes would improve procedural operations and program effectiveness.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 18, 1977; published February 23, 1977 (42 FR 10695). Notice of Recommended Decision—September 6, 1977, published September 12, 1977 (42 FR 45680).

Date growers will vote in a referendum on the proposed changes. So that the order can respond to market conditions more effectively, an important change in the current volume regulation concept is proposed to recognize the growth and increased importance of the export and product markets since the inception of the program in 1955. Another important change recognizes changes which have occurred in the date industry's structure, and have a bearing on Committee representation. Committee membership will be increased from eight to nine. Also, committee representation would be changed so producer membership no longer would be apportioned between cooperative producers, and producers who do not belong to cooperatives. The term "producer-handler" would include date handlers as well as producers who handle dates.

Other changes would: (1) Permit a handler to move dates to storage for his own account in any county adjoining the area of production free from regulatory requirements; (2) lengthen Committee members' terms from one year to two; (3) provide a polling place and allow absentee ballots for nomination of Committee members; (4) authorize the Committee to include a consumer consultant on its staff; (5) make other minor changes in Committee voting procedures and changes in procedures for filling vacancies; and (6) make minor changes in assessment and recordkeeping provisions.

PRELIMINARY STATEMENT

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), in Indio, Calif., on March 21, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on September 6, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing the notice of the opportunity to file written exceptions thereto. One excep-

tion was filed by the California Date Administrative Committee.

The material issues, findings and conclusions, rulings and general findings of the recommended decision published Monday, September 12, 1977, in Volume 42 of the FEDERAL REGISTER (42 FR 45680) are hereby incorporated by reference herein and made a part hereof, subject to the following additions and miscellaneous typographical corrections. In Material Issue (2), a new paragraph is added after paragraph 13, first column, page 45683, in recognition of the foregoing exception, as follows:

"The California Date Administrative Committee's exception objected to the Department's denial of its proposal for producer weighted votes. The Committee stated that it is not fair to give the small producer equal say with the large producer who has more invested and more to lose than the small producer by wrong or biased decisions on the part of the small producer if he is selected to serve on the Committee. By virtue of the total resources at his command, it may be that a small producer has as much, or more, to lose as a large producer by poor decisions. However, a producer's wisdom and objectivity are not governed by the size of his garden, farm, or ranch. If there are any differences of opinion between the two groups as a result of their size, both should be represented on the Committee. This would afford both an equal opportunity to be nominated and selected to serve on the Committee, and the strength of their views tested on the anvil of that forum. The exception is denied."

On page 45680, second column, first paragraph, Material Issue (1), change "marketable date" to "marketable dates."

On page 45681, third column, second paragraph, seventh sentence, should read: " "Independent producers" are defined in that section as producers having no such affiliation."

On page 45683, third column, first pargaraph, last sentence, "appointment of the alternate member." should be inserted after "Committee shall recommend".

On page 45683, third column, fourth paragraph, third last sentence, change "maters" to "matters".

On page 45684, third column, third paragraph, second sentence, change "peron" to "person".

On page 45686, first column, third paragraph, sixth sentence, change "establisehd" to "established".

On page 45686, second column, first line, change "of" to "or".

On page 45687, first column: Item 1, fifth line, insert "may be in conflict with the findings and determinations" after "findings and determinations";

Item 2, third line, insert "and" after "further amended,";

Item 3, fourth line, insert "domestic" after "the handling of";

Item 4, third last line, change "subdivision" to "subdivisions";

Item 5, second line, insert "domestic" before "dates"; second last line, insert ";" after "area" and delete ";" after "and";

Item 6, first line, insert "domestic" before "dates" and insert "produced or packed" in place of "grown"; third line, insert "and" after "as amended,".

Rulings on exceptions. In arriving at the findings and conclusions and the regulatory provisions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, Calif.", and "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, Calif.", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.), to determine whether or not the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of domestic dates produced or packed in Riverside County, Calif., is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the area of production in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be October 1, 1976, through September 30, 1977.

The agent of the Secretary to conduct such referendum is hereby designated to be Edmund J. Blaine, John Clark, and William J. Higgins.

Signed at Washington, D.C., on December 16, 1977.

JERRY C. HILL,
Deputy Assistant Secretary.

Order[1] amending the order, as amended, regulating the handling of domestic dates produced or packed in Riverside County, California.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif.

Upon the basis of the record it is found that: (1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of domestic dates produced or packed in Riverside County, Calif., in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the production area covered by the order, as amended, and as hereby further amended, which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the production area as defined in the marketing order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of domestic dates produced or

[1] This order shall not become effective unless and until the requirements of § 100.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

packed in Riverside County, Calif., shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the recommended amendment of the marketing agreement and order, as amended, contained in the recommended decision issued by the Deputy Administrator on September 6, 1977, and published Monday, September 12, 1977, in Volume 42 of the FEDERAL REGISTER (42 FR 45680), shall be and are the the terms and provisions of this order, amending the order and are set forth in full herein.

1. Section 987.6 is amended to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year.

§ 987.8 [Amended]

2. Section 987.8 is amended by deleting reference to "§ 987.22" and substitute "§ 987.21".

§ 987.9 [Amended]

3. Section 987.9 is amended by deleting that part of the provision starting with "the counties of San Bernardino" through "as handling" and substitute "or counties adjoining the area of production, shall not be considered handling. The Committee, with the approval of the Secretary, may establish monitoring procedures for storage of dates in Orange, San Diego, and Yuma Counties."

4. Section 987.11 is amended to read:

§ 987.11 Trade demand.

"Trade demand" means those quantities of marketable dates which the Committee finds are required to satisfy the need for dates in specific outlets in which marketable dates are handled.

5. Section 987.12 is revised to read:

§ 987.12 Marketable dates.

"Marketable dates" means those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable requirements in effect pursuant to § 987.40. Marketable dates shall include but not be limited to the following:

(a) *DAC dates.* DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

(b) *Dates for further processing.* Dates for further processing (FP) are marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification requirements applicable to FP dates that are established by the Committee, with the approval of the Secretary, for any specific variety.

(c) *Export dates.* Export dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. The Committee may establish different requirements for different countries.

(d) *Product dates.* Product dates are marketable dates that are inspected and certified as meeting the applicable grade and size requirements for dates to be handled in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

6. Section 987.13 is amended to read:

§ 987.13 Free dates.

"Free dates" means dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as the Committee determines are likely to acquire them at prices reasonably comparable with prices received domestically) and which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

§§ 987.9, 987.15, 987.47, 987.56, 987.57 and 987.64. [Amended]

7. Sections 987.9, 987.15, 987.47, 987.56, 987.57, and 987.64 are amended by substituting "utility dates" in lieu of "substandard dates."

§ 987.16 [Amended]

8. Section 987.16 is amended by deleting the words "section 798 of the Agricultural Code" and inserting in lieu thereof "Title 3, Group 4, Article 24, section 1434 of the Food and Agricultural Code."

9. Section 987.21 is revised to read:

§ 987.21 Establishment and membership.

A California Date Administrative Committee consisting of nine members is hereby established to administer the terms and conditions of this part. For each member there shall be an alternate member and the provisions of this part applicable to the number, nomination, qualification and selection of members shall apply in like manner to alternate members. Three of the members, referred to in this part as "producer members", shall be producers or officers or employees of producers, and shall not be handlers, or directors, officers, or employees exercising a supervisory or managerial function of a handler. The six remaining members, referred to in this part as "producer-handlers", shall be selected from (1) handlers, or directors, officers or employees of a handler, or (2) producers who are also handlers or directors, officers, or employees exercising a supervisory or managerial function of a handler. The Committee, with the approval of the Secretary, may issue rules and regulations covering matters of eligibility for producer members, or revising the composition of the Committee prescribed in this section if it no longer is representative following a substantial change in the industry.

§ 987.22 [Deleted]

10. Section 987.22 is deleted.

11. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be two years beginning August 1, except such term may be shorter if the Committee composition is changed in the interim pursuant to § 987.21. Each member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified.

12. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members and alternate members of the Committee shall be made not later than June 15 of every other year.

(b) Opportunity shall be provided producers and handlers to nominate individuals to serve on the Committee by establishing a day for polling and also for casting absentee ballots. Persons will only be able to vote in nominations for the group in which they would be qualified to serve on the Committee, and shall nominate the applicable number of individuals for the positions prescribed pursuant to § 987.21. Each producer, regardless of the number and locations of his date gardens, voting in the nominations for producer members and producer alternate members, shall be entitled to one vote for each member and alternate member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Each person voting in the nominations for producer-handler members and producer-handler alternate members, shall be given the opportunity to vote for one member and one alternate member position. His ballot shall be weighted by the pounds of dates he had certified as marketable dates, from the beginning of the then current crop year through April which he produced in his own gardens or acquired from other producers. The individual receiving the highest weighted vote for a producer-handler position shall be the nominee. The Committee, with the approval of the Secretary, may issue rules and regulations on the manner in which nominees for a position may be obtained, polling, balloting, absentee ballots, and the weighting of votes for producer-handler positions when the

Committee is restructured during a term of office.

(c) In the event that nominees for all available positions are not provided by the aforesaid procedure, the then current Committee may recommend nominees for the unfilled positions.

(d) Promptly after each election, the Committee shall report to the Secretary the results thereof, including the eligibility of the nominees, and any other information requested by the Secretary. The Secretary shall select members and alternate members on the basis of representation provided in § 987.21 from nominations made pursuant to this subpart, or from other eligible persons. If nominations are not made within the time and manner prescribed herein, the Secretary may, without regard to nominations, select the members and alternate members on the basis of representation provided in § 987.21.

13. Section 987.26 is amended to read:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the failure to qualify, declination to serve, removal, resignation, disqualification, or death of any person nominated to serve on the Committee, or any member or alternate member selected by the Secretary, the Committee shall promptly submit its recommendation to the Secretary of a nominee eligible to serve in accordance with the requirements specified for the group in § 987.21. If the vacancy is for a member position, the Committee shall recommend appointment of the alternate member if that person is willing to serve in that position. If the Committee's recommendation is not submitted within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, and the selection shall be made on the basis of representation provided in § 987.21.

§ 987.27 [Amended]

14. Section 987.27 is amended by deleting from the second sentence the words "(producers or handlers as the case may be) they represent" and substitute instead "he represents".

15. Section 987.30 is amended by adding a new paragraph (h) to read:

§ 987.30 Duties.

* * * * *

(h) To furnish the Committee viewpoints of the consumer, the Committee may utilize a consumer consultant. The consumer consultant shall have no financial interest in the date industry and shall receive no compensation, however, such person shall be reimbursed for necessary expenses attendant to those assignments that the Committee has given prior support and approval.

16. Section 987.31 is amended to read:

§ 987.31 Procedure.

(a) A majority of the Committee shall constitute a quorum.

(b) * * *

(c) For any decision of the Committee to be valid, a concurring vote of at least five members is required, except as follows:

(1) In matters relating to restructuring Committee composition pursuant to § 987.21, concurrence by at least eight members is required;

(2) In matters relating to establishment, modification and application of free and restricted percentages pursuant to §§ 987.44 and 987.46, concurrence by at least seven members is required; and

(3) In matters relating to recommendation of any program of paid advertising or major program of market promotion pursuant to § 987.33, concurrence by at least six members is required.

(d) At all assembled meetings each vote shall be cast in person.

(e) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within two weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

(f) If the total number of members of the Committee is changed pursuant to § 987.21, the minimum voting requirements shall be in the same ratio to the revised total number of members, as nearly as practicable, as the minimum voting requirements prescribed in paragraph (c) of this section are to nine.

§ 987.33 [Amended]

17. Section 987.33 is amended by deleting the third sentence.

18. Section 987.34 is revised to read:

§ 987.34 Development.

As early as practicable, but no later than October 31, the Committee shall prepare and submit to the Secretary, a report setting forth its marketing policy, including data on which it is based, by variety, for regulation of dates in the crop year.

(a) The Committee shall consider such factors as: (1) The estimated production of dates during the crop year; (2) the estimated production of DAC dates, export dates, and product dates; (3) the handler carryin on October 1 of dates of those qualities; (4) the estimated trade demand in each outlet during the crop year; and (5) the desirable carryout, by outlet.

(b) If dates to be handled as free dates are not synonymous with those to be handled in DAC outlets, the Committee shall consider such additional factors as: (1) The supply of marketable dates that will be available from the estimated production, and from the October 1 carryin, that could be used as free dates, and (2) the estimated trade demand for free dates during the current crop year, and the desirable carryout for free dates.

(c) The Committee shall submit its recommendation as to grade, size, and container regulations and its recommendation whether free and restricted percentages should be established and if so, the free and restricted percentages and the appropriate withholding factor.

19. A new § 987.38 is added to read as follows:

§ 987.38 Handlers of record.

Each crop year but no later than October 10 for continuing handlers and prior to handling dates in the case of new handlers, any person desiring to handle dates shall submit a report to the Committee on a form prescribed by it containing the following information with respect to all dates which such person expects to handle:

(a) The name and address of each producer;

(b) The location of each date garden; and

(c) The acreage and estimated current season's production thereon.

Those reports required to be filed by October 10 shall reflect producers who are signed up with the handlers as of October 1 of the then current crop year. The Committee, with the approval of the Secretary, may issue rules and regulations to carry out the provisions of this section.

20. The first and third sentences in § 987.39 are amended to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act, all dates handled as marketable dates shall meet the requirements of U.S. Grade C, or if for further processing, U.S. Grade C (Dry) of the effective U.S. Standards for Grades of Dates, 7 CFR 52.1001: *Provided*, That the Secretary, may upon recommendation of the Committee, prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlet. * * * The provisions hereof relating to minimum standards of grades and sizes for marketable dates and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. * * *

21. The first and last sentences in § 987.40 are amended to read:

§ 987.40 Additional grade or size regulations.

Whenever the Committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of such variety to be handled in any designated outlet or to be withheld to meet withholding obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. * * * On and after the ef-

fective date no handler shall handle dates of such variety in any designated outlet or withhold such dates to meet withholding obligation except in accordance with such regulations.

22. Section 987.43 is added to read:

§ 987.43 Outlets and specifications for marketable dates.

Marketable dates shall not be handled or otherwise disposed of except as provided in this subpart. This shall not preclude dates of better grades or sizes being handled or otherwise disposed of in any outlet established for dates of lesser grades or sizes. The Committee, with the approval of the Secretary, may modify the designations specified in § 987.12 to reflect new major outlets and regulatory requirements needed because of changes in marketing conditions. Marketable dates shall include but not be limited to the following: DAC dates, Dates for further processing, Export dates, and Product dates.

23. Section 987.44 is amended to read:

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates of applicable grade and size available to supply the trade demand for free dates of any variety is likely to be excessive, and that limiting the volume of marketable dates to be handled as free dates through establishment of free and restricted percentages applicable to such variety of such dates would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. * * *

§ 987.45 [Amended]

24. Section 987.45 is amended as follows:

In paragraph (a) delete the part of the first sentence that reads "or for further processing" and insert in lieu thereof: "as free dates (including those for further processing that are to be handled as free dates)".

In paragraph (b) after the word "handled" in the last sentence, insert "as free dates (including those for further processing that were handled as free dates),".

In paragraph (c) insert the word "free" before the word "dates" where that word appears in the first sentence, the fourth sentence and the fifth sentence.

In paragraphs (d) and (f) wherever "restricted obligation" or "restricted obligations" appear, substitute the words "withholding obligation" or "withholding obligations", as applicable.

In the first sentence of paragraph (e), delete the words "from handling".

§ 987.46 [Amended]

25. Section 987.46 is amended as follows:

In the first sentence after the words "trade demand" and "available supply" insert the words, respectively, "for free dates" and "of marketable dates of applicable grade and size". In the second sentence before the word "dates" insert the word "free".

§ 987.50 [Amended]

26. Section 987.50 is amended as follows:

Insert the word "free" before the word "dates" wherever that word appears in this section.

§ 987.54 [Deleted]

27. Section 987.54 is deleted.

28. Section 987.55 is revised to read:

§ 987.55 Outlets for restricted dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in product outlets described in § 987.43 which the Committee concludes to be appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates. To facilitate sales and promote orderly marketing of any variety of restricted dates handled in export, the Committee may participate in or negotiate for handlers, the sale of such dates to meet all or a substantial part of the needs of the particular country, and, in connection with each such sale, the Committee shall extend to all handlers an opportunity to participate therein and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. The Committee, with the approval of the Secretary, may prescribe rules and regulations governing the opportunity to participate in such sales. The provisions of this section shall not preclude restricted dates being disposed of in outlets for utility and cull dates prescribed in § 987.56.

§ 987.56 [Amended]

29. Section 987.56 is amended by deleting from the first sentence the phrase "concludes are noncompetitive with the outlets for free and restricted dates:", and insert in lieu thereof "with the approval of the Secretary, may specify:".

30. Section 987.57 is amended by revising the title and the first sentence thereof to read:

§ 987.57 Approved manufacturers or feeders.

Diversion of dates pursuant to § 987.55 or § 987.56 shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. * * *

31. Section 987.61 is revised to read:

§ 987.61 Reports of handler carryover.

Each handler shall file each year with the Committee written reports of his carryover of dates as of March 1, October 1, and at such other times as the Committee may prescribe: *Provided*, That during those seasons when volume regulations are established by the Secretary, the handler shall file an additional report on his January 1 carryover. Such reports shall be filed within 10 days of the date of the carryover. These reporting dates specified may be changed, upon recommendation of the Committee, together with substantiation of the need therefore, with the approval of the Secretary.

32. Section 987.64 is revised to read:

§ 987.64 Reports on disposition of restricted, other marketable, utility, and cull dates.

Each handler disposing of any dates pursuant to §§ 987.55 and 987.56 shall promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

§ 987.68 [Amended]

33. Section 987.68 is amended by changing the third sentence to read: "All handlers shall establish and maintain complete records which accurately show the quantity of dates handled, disposed of, and withheld".

34. Section 987.72 is amended by changing the first sentence of paragraph (a) to read:

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, on all dates he has certified as meeting the requirements for marketable dates and utility dates utilized in product outlets including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f), his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each crop year. Should the condition arise wherein the utility portion of dates handled in certain other outlets should not be, in the opinion of the Committee, subject to the payment of assessments on that portion, the Committee may recommend and the Secretary approve by rulemaking, such exclusion. * * *

[FR Doc.77-36513 Filed 12-21-77;8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1978 Loan Programs

AGENCY: Commodity Credit Corporation.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is preparing to make certain determinations with respect to the loan programs for the 1978 crops of upland and extra long staple (ELS) cotton: (a) Schedule of premiums and discounts for grade and staple length of upland cotton; (b) schedule of micronaire differentials for upland cotton; (c) schedule of base loan rates by warehouse location for upland cotton; (d) schedule of loan rates by location for eligible qualities of ELS cotton; (e) schedule of micronaire differentials for ELS cotton; (f) detailed operating provisions to carry out the price support programs for lint cotton; and (g) detailed operating pro-

visions to carry out the seed cotton loan program. These programs will enable producers to obtain price support on 1978-crop cotton.

The first six of these determinations will be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051 as amended, 7 U.S.C. 1421 et seq.). The seventh determination will be made pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)). The effect of these determinations is to establish for the 1978 crops of upland and ELS cotton, as applicable, the differentials to be applied for quality, micronaire, and location, loan rates under the 1978-crop cotton loan programs, as well as the detailed operating provisions of the lint and seed cotton programs. This notice invites written comments on these proposed determinations.

DATE: Comments must be received on or before January 20, 1978.

ADDRESS: Mail comments to Acting Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013. Comments will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR ADDITIONAL INFORMATION CONTACT:

A. J. Fortenberry (ASCS), 202-447-6757.

SUPPLEMENTARY INFORMATION: Section 403 of the Agricultural Act of 1949, as amended (7 U.S.C. 1423) provides, in part, that appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act. Under Section 103(f) of the Act, however, the base loan rate determined for 1977-crop upland cotton is applicable to Strict Low Middling 1 1/16 inch cotton (micronaire 3.5 through 4.9) at average location in the United States. The 1978 loan rate announced for Strict Low Middling 1 1/16 inch by press release (USDA 3118-77) dated October 31, 1977, is 44 cents per pound.

PROPOSED RULE

The determinations to be made pursuant to the 1949 Act follow:

(a) *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule will reflect the differences in loan value between SML 1 1/16 inches cotton and the various other grade and staple length combinations for upland cotton.

(b) *Schedule of micronaire differentials for upland cotton.* This schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(c) *Schedule of base loan rates by warehouse location for upland cotton.* This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(d) *Schedule of loan rates by location for eligible qualities of ELS cotton.* In accordance with the Act, the loan rate for 1978-crop ELS cotton will be announced at a national average rate. This schedule of rates will reflect differences in loan value by location for each eligible quality.

(e) *Schedule of micronaire differentials for ELS cotton.* This schedule will reflect differences in loan value between micronaire group 3.5 and above (the base group) and the various other micronaire groups.

(f) *Detailed operating provisions to carry out the price support programs for lint cotton.* Detailed regulations necessary to carry out the price support programs for upland and ELS lint cotton are being reviewed for 1978. Loan provisions in effect under the current program may be found in the Cotton Loan Program Regulations (7 CFR 1427.1-27 (40 FR 30092), as amended by 41 FR 31182).

The determination to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act follows:

(g) *Detailed operating provisions to carry out the seed cotton loan program.* The regulations to carry out the seed cotton loan program are also being reviewed for 1978. Provisions in effect under the current program may be found in the Seed Cotton Loan Program Regulations (7 CFR 1427.160-181, as amended by 39 FR 12983 and 14188 and 40 FR 21469).

Signed at Washington, D.C., on December 16, 1977.

STEWART SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-36480 Filed 12-21-77;8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-CE-24]

TRANSITION AREA, WAYNE, NEBR.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Wayne, Nebr., to provide protection for aircraft executing a new instrument approach procedure to the Wayne Municipal Airport which is based on a nondirectional radio beacon (NDB) navigational aid being installed on the airport.

DATES: Comments must be received on or before January 23, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone: 816-374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 23, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. 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 procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Sec. 71.181) by designating a 700-foot transition area at Wayne, Nebr. To enhance airport usage by providing instrument approach capability to the Wayne Municipal Airport, the City of Wayne, Nebr., is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument

approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using this approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR). Section 71.181, pertaining to transition areas was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, Section 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), by adding the following new transition area:

WAYNE, NEBR.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Wayne Municipal Airport (Latitude 42°14'23" N, Longitude 096°59'01" W) and within 3 miles each side of the 047° bearing from the Wayne Municipal Airport extending from the 5 mile radius to 8.5 miles northeast of the airport.

(Section 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on December 8, 1977.

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

[FR Doc.77-36203 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-RM-14]

TRANSITION AREA, ROOSEVELT, UTAH

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a 700-foot and a 1,200-foot transition area at Roosevelt, Utah. This proposal is necessary to provide controlled airspace for proposed instrument approach procedures at Roosevelt Municipal Airport, Roosevelt, Utah.

DATES: Comments must be received on or before January 9, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

David M. Laschinger, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone: 303-837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received 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 Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writting 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.

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 202-425-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a 700-foot and a 1,200-foot transition area at Roosevelt, Utah. This proposal is necessary to provide controlled airspace to contain the new VOR-B and RNAV runway 25 instrument approach procedures at Roosevelt Muncipal Airport, Roosevelt, Utah. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 by designating the following transition areas:

ROOSEVELT, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roosevelt Municipal Airport; Roosevelt, Utah (latitude 40°16'33" N., longitude 110°03'02" W.), and within 2 miles either side of the Myton, Utah, VORTAC 023° radial extending from the 5-mile radius of the airport to the Myton VORTAC; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at latitude 39°52'04.7" N., longitude 110°15'10.2" W.; to latitude 40°27'47.3" N., longiude 110°15'58.9" W.; to latitude 40°19'20.4" N., longitude 109°33'14.8" W.; to latitude 40°03'58.4" N., longitude 109°41'25.5" W.; to latitude 40°04'04.3" N., longitude 109°44'49.1" W.; to latitude 39°52'27.4" N., longitude 109°44'33.3" W.; to point of beginning.

DRAFTING INFORMATION

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Moutain Region.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Aurora, Colo., on December 7, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-36204 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-RM-12]

TRANSITION AREA, ABERDEEN, S. DAK.

Proposed Alteration and Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter VOR federal airway identified as V-170 and designate VOR federal airway identified as V-344 in the vicinity of Aberdeen, S. Dak. This proposed amendment would improve air traffic service to the systems users through more direct routings with charted radials, distances and minimum en route altitudes.

DATE: Comments must be received on or before January 23, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 77-RM-12, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207.

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making 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, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. 7213, Denver, Colo. 80207. All communications received on or before January 23, 1978 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 parties.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Federal Airway V-170 and to designate a Federal Airway (V-344) in the vicinity of Aberdeen, S. Dak. The proposed actions would extend V-170 from over Aberdeen, S. Dak., to Devils Lake, N. Dak., via Aberdeen (352°T/342°M radial) direct to Jamestown, N. Dak. (172°T/162°M radial) and from over Jamestown (353°T/343°M radial) direct to Devils Lake (172°T/161°M radial), and designate V-344 from over Dupree, S. Dak., to Fargo, N. Dak., via Dupree (081°T/068°M radial) direct to Aberdeen, S. Dak. (263°T/253°M radial) and from over Aberdeen (038°T/028°M radial) direct to Margo (219°T/210°M radial). These proposed actions would improve air traffic efficiency by providing continuous preferential routing with charted radials, distance and minimum en route altitudes.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) and amended (41 FR 49090) as follows:

1. In V-170 "From Aberdeen, S. Dak.," would be deleted and "From Devils Lake, N. Dak., via Jamestown, N. Dak.; Aberdeen, S. Dak.;" would be substituted therefor. In addition the following note would be added "That airspace 11,000 feet MSL and below is excluded between Jamestown VORTAC and the Devils Lake VORTAC during the time that the Devils Lake East Military Operating Area is activated by NOTAM."

2. "V-344 From Dupree, S. Dak., Aberdeen, S. Dak.; Fargo, N. Dak." would be added.

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

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

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

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

[FR Doc.77-36237 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-67]

TRANSITION AREA, FREDERICKSBURG, TEXAS

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a transition area at Fredericksburg, Tex., to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Gillespie County Airport, using the newly established Stonewall VORTAC located east of the airport. Coincident with this action, the airport will be changed from VFR to IFR.

DATES: Comments must be received on or before January 23, 1978.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (42 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Fredericksburg, Tex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Fredericksburg, Tex. The FAA believes this action will enhance IFR operations at the Gillespie County Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the newly established Stonewall VORTAC east of 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 adding the Fredericksburg, Tex., transition area as follows:

FREDERICKSBURG, TEX.

"That airspace extending upward from 700 feet above the surface within a five-mile radius of the Gillespie County Airport (latitude 30°14'56" N., longitude 98°54'37" W.), and within 1.5 miles either side of the 267°R from the Stonewall VORTAC (latitude 30°12'26" N., longitude 98°42'17" W.), extending from the five-mile radius to six miles east of the Gillespie County Airport."

(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 December 8, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-36238 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-14]

VOR FEDERAL AIRWAY

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V-307 to begin at Harrison, Ark., and go direct to Neosho, Mo., then proceed as presently designated. This route is presently used as a direct route and its designation as an airway will reduce coordination and communication time required for the use of the route.

DATES: Comments must be received on or before January 23, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Region, Attention: Chief, Air Traffic Division, Docket No. 77-CE-14, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 23, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate a new segment of VOR Federal Airway between Harrison, Ark., and Neosho, Mo., to be added to V-307 which begins at Neosho.

The proposed airway route is presently being flown rather extensively as a direct route. Its designation as an airway appears to be justified because it would reduce the pilot/traffic controller communication and coordination time.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to further amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) and amended (42 FR 20116) as follows: In V-307 "From Neosho, Mo., via" is deleted and "from Harrison, Ark., via Neosho, Mo.;" is substituted therefor.

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

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

Issued in Washington, D.C., on December 15, 1977.

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

[FR Doc.77-36461 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-AEA-90]

TRANSITION AREA: SUFFOLK, VA.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Suffolk, Va., transition area, over Suffolk Municipal Airport, Suffolk, Va. This designation will provide protection to aircraft executing the new instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before January 23, 1978.

ADDRESS: Send comments on the proposal in triplicate to: Director, Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77-AEA-90, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

COMMENTS INVITED

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before January 23, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area over Suffolk Municipal Airport, Suffolk, Va. The area will commence at 700 feet above the surface extending out to a six and one-half mile radius around the center of the airport. There will be an extension to the southwest extending approximately a mile and one-half beyond the radius area and six miles in width.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Suffolk, Va., 700-foot floor transition area as follows:

SUFFOLK, VA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°40'53" N., 76°36'11" W.,) of Suffolk Municipal Airport, Suffolk, Va.; within 3 miles each side of a 249° bearing from the Suffolk RBN (36°40'49" N., 76°36'28" W.) extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

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 11948, and OMB Circular A-107.

Issued in Jamaica, N.Y., on December 7, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36462 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-25]

TRANSITION AREA, SUPERIOR, NEBR.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Superior, Nebr., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Superior, Nebraska Municipal Airport, Superior, Nebr., which is based on the Mankato, Kans. VORTAC.

DATES: Comments must be received on or before January 26, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

The official docket may be examined at the examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo.

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

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 26, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-4308. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulation (14 CFR 71.181) by designating a 70-foot transition area at Superior, Nebr. To enhance airport usage, a new instrument approach procedure to the Superior, Nebraska Municipal Airport, Superior, Nebr., is being established based on the Mankato, Kansas VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR). Section 71.181, pertaining to transition areas was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), by adding the following new transition area:

SUPERIOR, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of the Superior Municipal Airport (Latitude 40°03'00" N., Longitude 098°03'45" W.), and within 2.5 miles each side of the 021° radial of the Mankato (TKO) VORTAC, extending from the 5-mile radius to 5 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on December 12, 1977.

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

[FR Doc.77-36468 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-26]

TRANSITION AREA, GIDEON, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Gideon, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Gideon Memorial Airport, Gideon, Mo., which is based on the Malden, Mo. VORTAC.

DATES: Comments must be received on or before January 26, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo.

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

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3508.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 26, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Gideon, Mo. To enhance airport usage, a new instrument approach procedure to the Gideon Memorial Airport, Gideon, Mo., is being established based on the Malden, Mo. VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR). Section 71.181, pertaining to transition areas was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), by adding the following new transition area:

GIDEON, MO.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Gideon Memorial Airport (Latitude 36°26'45" N., Longitude 89°54'15" W.), excluding the portion which overlies the Malden, Mo., 700-foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on December 12, 1977.

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

[FR Doc.77-36469 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-NE-23]

TRANSITION AREA

Alteration of Bridgeport, Conn. 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to alter the 700-foot transition area at Bridgeport, Conn. to provide additional airspace for helicopters executing a new non-published approach procedure to be designated as a Point-in-Space, Copter RNAV 286° approach procedure.

DATE: Comments must be received on or before January 26, 1978.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 77-NE-23, 12 New England Executive Park, Burlington, Mass. 01803.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7285.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 77-NE-20, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before January 26, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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 COMMENTS

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of the Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8085. 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 has certified non-published low altitude area navigation (RNAV) routes with maximum authorized altitudes of 5,000 feet MSL, route width 2 miles each side of centerline. The use of these routes is limited to helicopters only. From these routes, transitions to unpublished Point-in-Space, Copter RNAV approach procedures will provide let down to a point from which helicopters may proceed to their point of intended landing under helicopter VFR flight condition. This proposal would enlarge the Bridgeport, Connecticut 700-foot Transition Area to provide controlled airspace for helicopters executing a new RNAV Point-in-Space instrumental approach procedure.

These routes and approach procedures will not adversely effect existing published enroute and terminal flight procedures.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, ANE-7, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend Section 71.181 of Part 71 of the Federal vAiation Regulations as follows:

BRIDGEPORT, CONN. 700-FOOT TRANSITION AREA

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to change the description of the Bridgeport, Conn. 700-foot Transition Area to read as follows:

That airspace extending upward from 700 feet above the surface within 5 miles north and 5 miles south of a 274° bearing and a 094° bearing from a point Latitude 41°02'00" N, Longitude 73°18'45" W, extending 6 miles west and 3 miles east of said point.

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

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

Issued in Burlington, Mass., on December 13, 1977.

ALBERT E. HOUCK,
Acting Director,
New Englnad Region.

[FR Doc.77-36644 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-92]

BALTIMORE, MD.

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to after the Baltimore, Md., transition area serving the Baltimore and Washington, D.C., terminal area. This alteration will provide protection to aircraft executing new special instrument approaches which has been developed for both terminal areas. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before January 26, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430.

The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED

Interested parties may participate in the proposal 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before January 26, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comment 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 & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

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 transition area affecting the Baltimore and Washington, D.C., terminal areas. The alteration will join the western edge of the Baltimore, Md., transition area with the eastern edge of the Gaithersburg, Md., transition area for a distance of about 8 miles running north and south between the airports. Another small area will be added to the northeastern edge of the Baltimore, Md., transition area.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the Baltimore, Md. 700-foot floor transition area:

Within 4.5 miles each side of a 357° bearing and a 177° bearing, from a point 39°09'15" N., 77°03'24" W., extending from 3.5 miles north of said point to 6 miles south of said point; within 4.5 miles each side of a 197° bearing and a 017° bearing from a point 39° 30'21" N., 76°31'46" W., extending from 3.5 miles north of said point to 6 miles south of said point.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Jamaica, N.Y., on December 12, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36623 Filed 12-21-77;8:45 am]

[4910-13]

[14 CFR Part 71]

PLATTSBURGH, N.Y.

Proposed Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Plattsburgh, N.Y., control zone and transition area, over Plattsburg AFB, Plattsburgh, N.Y. New procedures have been developed for runway 35 at Plattsburgh AFB. Therefore, new controlled airspace will have to be designated to protect aircraft executing the new approaches and departures.

DATES: Comments must be received on or before January 23, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

Comments Invited

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before January 23, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

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 F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71 to alter the control zone and transition area over Plattsburgh, AFB. The alteration will result in revocation of the northwest control zone extension and designation of a short control zone extension to the southeast. Also, some additional 700-foot floor transition area airspace will be designated northwest and southeast of the basic radius area.

Drafting Information

The principal authors of this document are Frank Trent, Air Traffic Division and Thomas C. Halloran, Office of the Regional Counsel.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Plattsburgh, N.Y., control zone and by inserting the following in lieu thereof:

Within a 5-mile radius of the center, 44°-39'05" N., 73°28'08" W. of Plattsburgh, AFB; within a 5-mile radius of the center 44°-41'10" N., 73°31'10" W., of Clinton County Airport; within 3 miles each side of the Clinton County Airport ILS localizer south course, extending from the localizer to 3 miles south of the OM; within 1.5 miles each side of the Valcour, N.Y. TACAN 157° radial, extending from the TACAN to 2 miles southeast of the TACAN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Plattsburgh, N.Y., 700-foot floor transition area and by inserting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39'05" N., 73°28'08" W., of Plattsburgh, AFB; within 5 miles each side of the Valcour, N.Y. TACAN 337° radial, extending from the 13-mile radius area to 20 miles northwest of the TACAN; within 4.5 miles each side of the Valcour, N.Y. TACAN 157° radial, extending from the 13-mile radius area to 16.5 miles southeast of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348(a))); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Jamaica, N.Y., on December 12, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-36624 Filed 12-21-77;8:45 am]

[4910-14]

Coast Guard

[46 CFR Part 153]

[CGD 77-222]

OXYGEN RESUSCITATORS ON CHEMICAL TANKERS

Proposed Requirement

AGENCY: Coast Guard; DOT.

ACTION: Proposed rule.

SUMMARY: On September 26, 1977, the Coast Guard published a requirement that chemical tankers carry bag valve mask manual resuscitators. This proposed rule would amend that requirement to allow tankers to carry a cardiopulmonary resuscitation (CPR) demand-valve, oxygen-powered resuscitator as an alternative.

DATE: Comments must be received on or before February 6, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), 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 CONTACT:

Capt. 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 77-222) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. All comments received by the closing date 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 requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this rule are: Mr. Robert M. Query, Project Manager, Office of Merchant Marine Safety, and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulation

In the September 26 FEDERAL REGISTER, the Coast Guard published rules for chemical tankers (42 FR 49016). These rules go into effect on December 27, 1977.

One of the rules describes a resuscitator that chemical tankers must carry

(§ 153.214(d)). This rule requires a "bag valve mask manual resuscitator". The Coast Guard phrased the rule to require a "bag valve mask manual resuscitator" after a person commented that the rule the Coast Guard first proposed was worded in such a way as to allow a dangerous type of resuscitator. The person making the comment recommended the wording of the final rule as a way to exclude the dangerous type of resuscitator.

Since the final rule was published, several people have commented that the description of the resuscitator is worded too tightly. They recommend that "a cardiopulmonary resuscitation (CPR) demand-valve, oxygen powered resuscitator" also known as a "manually triggered (time cycled), oxygen powered resuscitator" be allowed as an alternative. They argue that the bag-valve mask manual resuscitator requires more training and experience to use properly than the other type. Since the officers and crewmembers of a ship are often not able to get the training and experience necessary to operate the bag-valve mask manual resuscitator, they argue that the Coast Guard should allow a tanker to carry the CPR demand-valve oxygen powered resuscitator instead. They suggest as a reference "Standards for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiac Care (ECC)", supplement to the "Journal of the American Medical Association", Volume 227, No. 7, February 18, 1974.

The Coast Guard has studied the information it has available and proposes to allow the CPR demand-vale oxygen powered resuscitator as an alternative to the bag valve mask type described in 46 CFR 153.214(d). Until a final determination can be made and issued, the Coast Guard will consider the CPR demand-valve oxygen powered resuscitator to be equivalent, under 46 U.S.C. 170(11), to the bag valve mask resuscitator.

In consideration of the foregoing, the Coast Guard proposes to amend Part 153 of Title 46 of the Code of Federal Regulations as follows:

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

1. By revising § 153.214(d) to read as follows:

§ 153.214 **Personnel emergency and safety equipment.**

* * * * *

(d) A portable oxygen inhalator and bag valve mask manual resuscitator or a cardiopulmonary resuscitation (CPR) demand-valve oxygen powered resuscitator.

(19 Stat. 252, as amended (46 U.S.C. 170); Pub. L. 90-397, sec. 4, 82 Stat. 341, as amended (46 U.S.C. 391a); 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (n)(4), (t).)

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: December 12, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.77-36548 Filed 12-21-77;8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

MISCELLANEOUS RULES

Disclosure of Investigations

AGENCY: Federal Trade Commission.

ACTION: Response to proposed rules change, withdrawal of proposed rule.

SUMMARY: This notice reflects the Commission's decision to adhere to its current policy of generally not disclosing the identity of persons under investigation prior to the time a complaint is issued.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

SUPPLEMENTARY INFORMATION: On April 20, 1977, the Commission published a notice in the FEDERAL REGISTER (42 FR 20502) inviting public comment on the question of whether it should disclose the identity of persons under investigation prior to the issuance of a complaint. Numerous comments were received, on the basis of which the Commission determined not to make such disclosure.

DISCUSSION OF MAJOR COMMENTS

Fifty-four comments were received on this proposal. Many commenters objected that discosure of the identities of businesses under investigation would cause those businesses severe economic injury even before the Commission determines whether there is reason to believe the law has been violated, as it does when it issues a complaint. In addition, it was argued that the routine disclosure proposed would remove an incentive for investigated parties to cooperate voluntarily, even to enter consent orders, to avoid premature adverse publicity of a Commission investigation. The Commission was persuaded that the above arguments have merit and that it has the legal authority to withhold the identities of persons investigated under the Freedom of Information Act, 5 U.S.C. 552(b)(4) and (b)(7)(A), for the reasons stated above. In view of the serious economic harm that routine disclosure could cause and of the harm to the Commission's investigations, it determined to reject the proposed change. The Commission will continue its policy of disclosing industrywide investigations as well as those investigations which involve significant risk of economic harm or risk to public health or safety.

Some commenters urged the Commission to disclose all investigations, saying that it will aid consumers in their choice in the marketplace. The Commission publicizes the issuance of an administrative complaint which occurs when it has reason to believe the law has been violated. Until that time the Commission believes that the public interest in knowing the identity of persons under investigation is outweighed by the harm caused to the person under investigation and its ability to conduct its investigations.

Other comments urged the Commission to withhold motions to quash and applications for clearance, at least until a complaint has issued. The Commission believes that the administrative interpretations of its laws and rules embodied in the motions and the applications, and the Commission's response thereto should be disclosed without delay. The Commission considered but rejected the option of releasing said documents after deletion of references to the investigated party. Such a procedure would impair the public's ability to assess and understand these important rulings.

Accordingly, no change in the Commission's rules of practice is being made.

By direction of the Commission dated November 2, 1977. Commissioner Collier filed a dissenting statement.

CAROL M. THOMAS,
Secretary.

DISSENTING STATEMENT OF COMMISSIONER COLLIER REGARDING THE DISCLOSURE OF NAMES OF PARTIES UNDER INVESTIGATION

I am compelled to dissent from the Commission's determination to withhold the names of corporations that are under investigation. I dissent, not because I think it is desirable to engage in such disclosure, but because in the great majority of cases I do not believe that the Commission has lawful authority to withhold corporate identities from mandatory disclosure under the Freedom of Information Act.

Most of the commenters opposed to disclosure have objected to the adverse publicity that would attend the release of the names of persons under investigation. I do not doubt that such damage might occur;[1] and while its effects can easily be overstated,[2] I do not savor this prospect.

---

[1] Some of those who commented in support of the proposal seem to have erroneously assumed that the existence of an investigation implied wrongdoing.

[2] During the period of fiscal years 1974 through 1976 and the first three quarters of FY 1977, for example, 6490 investigations were opened but only 587 complaints filed and 568 orders issued. It seems obvious that premature conclusions about the significance of the pendency of investigations would be unwarranted. Eventually, one would expect that this information would be taken with the grain of salt it is due.

I am much less impressed with the suggestion from other quarters that public disclosure would discourage voluntary compliance with demands for information during investigations. The troublesome aspect of this argument, particularly in the mouths of the Commission staff, is the underlying intimation that disclosure is a cudgel which can be waved over the head of a company under investigation to elicit cooperation. That use of disclosure unfortunately suggests that the decision for or against will depend on some consideration other than the public's right to know as that right is codified in the Information Act.

Apart from the propriety of such a suggestion, the behavioral assumptions it depends on seem to me open to question. If, in the absence of a disclosure policy, the subject of an investigation were able to preclude us from obtaining inculpatory evidence, it would certainly do so, secure in the knowledge that no complaint would be issued and its name would not be implicated in a possible violation. Since inculpatory information can normally be obtained elsewhere, however, the investigative target will want to supply as much exculpatory evidence as possible in the attempt to forestall issuance of a complaint and the attendant publicity. It seems unlikely that disclosure at the investigative stage would give the company an incentive to withhold exculpatory data. If it has such evidence, it will likely bring it forward in any event as rapidly as possible. If the only evidence it has is inculpatory, on the other hand, neither disclosure nor non-disclosure provides any apparent motive to yield it up. If anything, disclosure might be marginally more likely to do so, since in some circumstances even an adverse resolution of an investigation may be preferable to letting it drag on in extended and public uncertainty.

These purely pragmatic considerations do have some bearing on the status of target-company identity[3] under the Freedom of Information Act and this provides the proper context for understanding our staff's argument that disclosure would discourage target-company cooperation. The only exemption from mandatory disclosure under the Information Act which seems to come close to blanketing this information, at least under normal circumstances, is Exemption 7(A). This provision allows withholding of investigative records the production of which "would interfere with enforcement proceedings."

I have great difficulty concluding that any threat posed to voluntary cooperation by disclosure warrants blanket treatment. To test this hypothesis of injury we might look to those situations where disclosure now occurs and determine whether there is noticeably less cooperation than in other investigations where it does not. For example, publicly held companies are often required at present to disclose to investors and potential investors the pendency of otherwise non-public FTC investigations. I am unaware of any proof that these companies are less cooperative with our inquiries as a result of this disclosure. In short, even if it could be established that disclosure would complicate the conduct of some investigations, it would not follow that all investigations could be concealed. The Information Act, after all, places a heavy burden on the government to establish that it is entitled to withhold agency records; and the Act's exemptions are to be read narrowly, not expansively. Other situations can be imagined where release of this information would threaten to interfere with enforcement proceedings—for example, where the company is unaware of the investigation and there are grounds for fearing destruction of evidence. However, our experience in these matters makes it clear that this type of threat cannot be made out in the great majority of cases.

As I have already suggested, the most persuasive policy ground for withholding this information is that its release could create an unjustified inference of guilt in the minds of customers, investors, and the public generally. Unfortunately for this concern, however, the FOIA does not appear to contain a vehicle for its expression. The closest approximation, Exemption 7(C), clearly protects only natural persons, not business entities, against "unwarranted invasion[s] of personal privacy." Where, as in most cases, businesses are the targets of our official scrutiny, this provision and the policy it reflects have no application.

If my reading of the Freedom of Information Act is correct, our blanket policy of withholding the names of investigative targets (except as it applies to natural persons) is unsupportable. Only in exceptional circumstances could a sufficient showing of interference with our enforcement proceedings be made. Since the only such circumstances which come to mind are the release of the subject's name before it is aware of the investigation, I believe this residual concern would be obviated by a policy of releasing its name only after the subject has been notified.[4] I would accompany the release of any such information with a clearly worded cautionary statement setting out what being under investigation does and does not mean. Further, I would delay the effective date of such a policy until perhaps thirty days after its announcement, indicating that the delay was intended to afford any company in or affecting commerce the opportunity to seek judicial review of the Commission's decision. Hopefully, such an announcement would afford standing to any such potentially affected company to obtain a judicial determination of the meaning of the Information Act.

For all of the reasons indicated, then, I dissent from the Commission's decision. I believe it merely postpones a day of reckoning.

[FR Doc.77-36491 Filed 12-21-77;8:45 am]

[3] The FOIA specifically deals with disclosure of "records" rather than information. Since many of the records attending an investigation will contain company identity, however, the question becomes whether such information may be deleted from any records disclosed.

[4] Under our Rule § 2.6, "[a]ny person under investigation compelled or requested to furnish information or documentary evidence" must be told that he/it is under investigation and not just a third-party information source.

[4910-60]

Materials Transportation Bureau

[49 CFR Parts 192, 195]

TRANSPORTATION OF HAZARDOUS GAS OR LIQUID BY PIPELINE

Notice of Technical Pipeline Safety Standards Committee Meeting

CROSS REFERENCE: For a notice of a meeting on January 17 and 18, 1978 of the Technical Pipeline Safety Standards Committee to consider a proposed rule concerning standards for spiral-weld line pipe and high-test line pipe, see FR Doc. 77-26197 which appears in the notices section of this issue under the Department of Transportation, Office of Pipeline Safety Operations. Refer to the table of contents in the front of this issue under the heading "Pipeline Safety Operations Office" to find the correct page number.

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-03; Notice 11]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

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 maximum allowable seat spacing in school buses from 20 to 21 inches. The agency intended that the seats be spaced approximately 20 inches apart (S5.2). However, because of manufacturing tolerances, some school bus manufacturers are spacing their seats at distances less than 20 inches to ensure that the spacing does not exceed the prescribed maximum. A seat spacing specification of 21 inches permits 20-inch spacing of seats by taking manufacturing tolerances into account. This spacing will accommodate large high school students while still ensuring a safe level of school bus seat performance.

DATES: Comment closing period: March 27, 1978.

Proposed Effective Date: Date of publication in the FEDERAL REGISTER.

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 Seventh Street SW., Washington, D.C. 20590, 202-426-2264.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is proposing a minor modification of Standard No. 222, School Bus Passenger Seating and Crash Protection, extending the maximum seat spacing from 20 to 21 inches. In a separate notice published today, the NHTSA has made effective an interim amendment of Standard No. 222 extending the maximum seat spacing by the same amount to alleviate immediately the problem of insufficient seat spacing in school buses.

On April 1, 1977, new school bus safety standards became effective as mandated by the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492). One of those new standards regulates school bus seats and, in particular, school bus seat spacing. Recently, the agency has received numerous complaints alleging that the seat spacing in school buses is too small to accommodate larger high school students. The NHTSA also received petitions for rulemaking from the Wisconsin School Bus Association and the National School Transportation Association (NSTA) to increase seat spacing. As a result of the above, the agency has undertaken a thorough review of buses currently being manufactured and concludes that the seat spacing in those buses is slightly less than the spacing that the NHTSA anticipated when it promulgated the regulation.

Seat spacing in school buses has been limited by the agency in order to provide for compartmentalization of students. Comments received during earlier agency rulemaking on Standard No. 222, indicated that this was a prudent means for ensuring the protection of children transported in school buses. The compartmentalization scheme achieves safety for school children by requiring seats to absorb energy during impact and by limiting distance between seats. Energy absorption and restricted seat spacing are tied together to ensure seats that will perform a safety function during accidents. As the distance between seats increases, energy absorption requirements must also increase in order to preserve the safety performance level of the seating systems.

The agency, after extensive testing, decided upon a 20-inch seat spacing requirement to be measured from the seating reference point while establishing the energy absorption requirements specified in Standard No. 222. The NHTSA's test data underlying the 20-inch seat spacing came from the AMF Corp. tests conducted on school bus seats (NHTSA Docket 73-8-GR-039). Seats used in that test were spaced at the then existing standard school bus seat spacing, approximately 27¾ inches measured from seat center to seat center. Actual knee room provided by this standard seat spacing was approximately 25 inches. The NHTSA then adapted this standard 25 inch seat space into its requirements which were expressed as 20 inches measured from a seating reference point about 5 inches from the seat back. The NHTSA's method of expressing seat spacing should yield the same amount of seat spacing as found in school buses manufactured prior to the standard.

Through its monitoring of the standard's implementation, the NHTSA has discovered that manufacturers are not achieving the seat spacing that the agency had contemplated at the time the regulation was promulgated. The installation of seats in school buses cannot be done with the precision that the NHTSA had anticipated. Accordingly, manufacturers in their attempts to ensure they do not violate the 20-inch space requirement must design seat spacing as much as an inch short of the 20-inch spacing allowance.

The NHTSA did not fully take into consideration the effect of manufacturing tolerances when it promulgated the original rule. These tolerances along with the manufacturer's need to ensure compliance with the requirements have resulted in unnecessarily restricted seat spacing. To provide for the seat spacing that the agency has determined proper, therefore, the NHTSA is proposing to extend the maximum seat spacing to 21 inches. The extension should permit manufacturers to provide approximately the 20 inches of space between seats intended under the initial standard. To the extent that the petitions from the Wisconsin School Bus Association and the National School Transportation Association are not identical to this proposal, they are denied.

The NSTA among others has recommended that seat spacing be increased by two or three inches without any corresponding increase in the energy absorption levels of the seat. The NHTSA is unable to make such a change, because to do so would sacrifice the safety of school bus seats. Agency test data indicate that seats designed in accordance with the requirements specified in the standard will provide occupant protection when spaced to 21 inches. However, agency projections, based on sound engineering data, indicate that a further increase in seat spacing of 1 inch (up to 22 inches) would require an increase in the energy absorption capacity of the seat back to restrain the lower torso of two and one-half times the level required with currently proposed seat spacings. Therefore, an increase in seat spacing of this magnitude would require redesigning existing school bus seats at great cost to school bus purchasers.

The NSTA stated that an engineering evaluation of static and dynamic test data generated by the AMF Corp. indicates that safety does not require the imposition of the maximum barrier-seat spacing currently established in the standard. The NSTA stated further that the AMF test data may be interpreted as not precluding the safe addition of two inches of barrier-seat spacing. The NHTSA does not agree with the conclusions drawn by the NSTA in evaluating the AMF test data. Although the range of variations of the upper seat back separation distances did vary 1 to 2 inches in the AMF test, the critical area of lower seat back separation distances did not exceed the 27¾ inch center-to-center seat spacing standard by more than ¾ of an inch in any individual test.

The NHTSA realizes that the modification proposed today will only alleviate some of the problems with seat spacing in school buses. This proposal is not intended to respond to the problem of seat spacing in activity buses which are involved in long distance student transportation. The agency is currently exploring alternatives for seat spacing in activity buses and will publish a notice of proposed rulemaking on this subject in the future.

The agency has considered the economic and safety impacts of this proposal and tentatively concludes that the rule should not increase the costs of school buses nor should it have any impact on the level of safety now achieved by school buses.

For the reasons set forth above, the NHTSA proposes to amend Standard No. 222, School Bus Passenger Seating and Crash Protection (49 CFR 571.222), as follows:

1. Paragraph S5.2 of 49 CFR 571.222 would be amended to read:

S5.2 *Restraining barrier requirements.* Each vehicle shall be equipped with a restraining barrier forward of any designated seating position that does not have the rear surface of another school bus passenger seat within 21 inches of its seating reference point, measured along a holizontal longitudinal line through the seating reference point in the forward direction.

2. Paragraph S5.2.1 of 49 CFR 571.222 would be amended to read:

S5.2.1. *Barrier-seat separation.* The horizontal distance between the restraining barrier's rear surface and the seating reference point of the seat in front of which the barrier is required shall not be more than 21 inches measured along a horizontal longitudinal line through the seating reference point in the forward direction.

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 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 principal authors of this proposal are Timothy Hoyt of the Office of Crashworthiness 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); delegation of authority at 49 CFR 1.50.)

Issued on December 20, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-36619 Filed 12-20-77;1:48 pm]

[3510-12]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 215]

PRIBILOF ISLANDS

Wildlife Research, Other Than Fur Seal on the Pribilof Islands

AGENCY: National Marine Fisheries Service.

ACTION: Proposed rulemaking.

SUMMARY: New regulations are being proposed which would require advance notice before individuals are permitted to conduct research on the Pribilof Islands. This regulation has been determined necessary in order to protect the island's wildlife and to facilitate the control of research on the reservation.

DATES: Please submit all comments by January 18, 1977, to Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter Kirkness, Director, Pribilof Islands Program, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Wash. 98109, telephone 206-399-7777.

SUPPLEMENTARY INFORMATION: New regulations are being proposed which would require researchers to notify the National Marine Fisheries Service prior to arriving on the Pribilof Islands to conduct research.

This regulation has been determined necessary in order to protect the island's wildlife and to facilitate the control of research conducted on the reservation.

A new § 215.27 is added to Subpart C, Administration of Pribilof Islands, and reads as follows:

215.27 Wildlife research.

(a) Wildlife research, other than research on North Pacific fur seals, including specimen collection, may be permitted on the Pribilof Islands subject to the following conditions:

(1) A person or agency seeking to conduct such research must first obtain any Federal or State of Alaska permit required for the type of research involved, and register with the Director, Pribilof Islands Program, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 1700 Westlake Avenue North, Seattle, Wash. 98109.

(2) An application for research registration shall include:

(i) Copies of the required Federal and State of Alaska permits; and

(ii) A resume of the intended research program.

(3) Any research conducted shall be subject to all regulations and administrative procedures in effect on the Pribilof Islands, and such research shall not commence until approval from the Director of the Pribilof Islands Program is received.

(4) Any approved research program shall be subject to such terms and conditions as the Director, Pribilof Islands Program, deems appropriate and permission to utilize the Pribilof Islands may be revoked by the Director, Pribilof Islands Program, at any time for noncompliance with such terms and conditions, or for violations of any regulation or administrative procedure specified in subparagraph (3) of this paragraph.

Dated: December 7, 1977.

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

[FR Doc.77-36508 Filed 12-21-77;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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 8:30 a.m., p.s.t., January 17, 1978, at the Thunderbird Inn at Jantzen Beach, Portland, Oreg.

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Manager, Hop Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oreg. 97204, telephone 503-224-1823.

Dated: December 19, 1977.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc. 77-36540 Filed 12-21-77; 8:45 am]

[3410-07]

Farmers Home Administration

[Designation No. A541]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in West Carroll Parish, La., as a result of drought April 20 to November 1, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than June 6, 1978, for physical losses and December 8, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C. this 16th day of December, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-36553 Filed 12-21-77; 8:45 am]

[3410-07]

[Designation No. A542]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of drought ranging from May 1 to November 2, 1977:

Atascosa, Brazos, McCulloch, Somervell, Williamson.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than June 6, 1978, for physical losses and December 8, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 16th day of December, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-36554 Filed 12-21-77; 8:45 am]

[3410-11]

Forest Service

HEBO PLANNING UNIT LAND MANAGEMENT PLAN

Notice of Availability of Draft 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 draft environmental statement for the Hebo Planning Unit Land Management Plan, USDA-FS-R6-DES(Adm)-78-3.

The environmental statement concerns long-range resource allocation of land which includes three roadless areas totaling 31,600 acres. The preferred alternative proposes to allocate all of the roadless areas to multiple use management.

The draft environmental statement was transmitted to EPA on December 14, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oreg. 97204.

Siuslaw National Forest, Supervisor's Office, 545 Southwest 2d Street, Corvallis, Oreg. 97330.

USDA, Forest Service, Hebo Ranger District, Hebo, Oreg. 97122.

A limited number of single copies are available upon request to Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oreg. 97330.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oreg. 97330. Comments must be received by February 12, 1978 in order to be considered in the preparation of the final environmental statement.

Dated: December 14, 1978.

H. W. PARKER,
Acting Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc. 77-36427 Filed 12-21-77; 8:45 am]

[3410-16]

Soil Conservation Service

LITTLE RIVER WATERSHED, IOWA

Notice of Authorization of Federal Assistance of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Little River Watershed, Iowa.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: December 12, 1977.

R. M. DAVIS,
Administrator.

[FR Doc. 77-36428 Filed 12-21-77; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

P.L.P. SPORTSWEAR, INC.

Petition for a Determination of Eligibility to Apply for Trade Adjustment Assistance

A petition by P.L.P. Sportswear, Inc., 265 West 37th Street, New York, N.Y. 10018, a producer of women's coats, was accepted for filing on December 14, 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 U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business 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. 77-36509 Filed 12-21-77; 8:45 am]

[3510-25]

Industry and Trade Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Computer systems Technical Advisory Committee will be held on Friday, January 13, 1978, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the work programs of the Subcommittees: (a) Technology Transfer; (b) Foreign Availability; and (c) Hardware.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: December 19, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S., Department of Commerce.

[FR Doc. 77-36562 Filed 12-21-77; 8:45 am]

[3510-25]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, January 10, 1978, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975 and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 21, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on October 28, 1977 (42 FR 56767).

Dated: December 19, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 77-36563 Filed 12-21-77; 8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 28-March 2, 1978, at Key Wester Inn, South Roosevelt Blvd., Key West, Fla. The meeting starts at 1:30 p.m. on February 28, 1978, and will adjourn at about noon on March 2, 1978.

Proposed Agenda: (1) Discussion of status of fishery management plans; (2) Future management plan priorities; (3) Other management business; and (4) Review foreign fishery applications.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407. Telephone 803-571-4366.

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

DECEMBER 9, 1977.

[FR Doc. 77-36488 Filed 12-21-77; 8:45 am]

[3510-12]

NATIONAL MARINE FISHERIES SERVICE

Notice of Receipt of Application for Permit

Notice is hereby given that the following Applicant has applied for permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

1. Applicant:

a. Name: Deborah A. Glockner and Spearous C. Venus, Mammals of the Sea Research Association.

b. Address: P.O. Box 1539, Lahaina, Maui, Hawaii 96761.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: North Pacific humpback whale (*Megaptera novaeangliae*) unspecified.

4. Type of Activity: A population census will be conducted by the use of aerial surveys, underwater photographs, and surface 10' 6" rubber inflatable watercraft, in order to identify the Hawaiian stock as a geographically and genetically isolated stock.

5. Location of Activity: Ocean observations will be conducted in the Auau Channel, Hawaii. Aerial surveys will consists of a series of transects from the Island of Niihau to the Island of Hawaii.

6. Period of Activity: January 5, 1978, to June 6, 1978.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before January 23, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices: Assistant Administrator for Fisheries,

National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: December 15, 1977.

ROLAND FINCH,
Acting Assistant Director, for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 77-36489 Filed 12-21-77; 8:45 am]

[3510-12]

NATIONAL MARINE FISHERIES SERVICE

Issuance of Endangered Species Permit

On October 27, 1977, notice was published in the FEDERAL REGISTER (42 FR 56632) (corrected (42 FR 59318) on November 16, 1977), that an application had been filed with the National Marine Fisheries Service by Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Fla. 33149, for a permit to enhance the survival of endangered species of turtles.

Notice is hereby given that on December 16, 1977, the National Marine Fisheries Service issued an Enhancement for Survival of the Species Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to Southeast Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The permit authorizes the Holder to take, identify, tag, and release 75 leatherback sea turtles (*Dermochelys coriacea*); 75 Atlantic ridley sea turtles (*Lepidochelys kempi*); 75 hawksbill sea turtles (*Eretmochelys imbricata*); 75 green sea turtles (*Chelonia mydas*); and 250 loggerhead sea turtles (*Caretta caretta*) each year for three years while testing various shrimp net designs being developed to reduce the incidental capture of sea turtles in shrimp trawls.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

Dated: December 16, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 77-36490 Filed 12-21-77; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL TEXTILES

Import Restraint Levels for Products from Colombia

DECEMBER 16, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing import restraint levels for certain wool textile products, imported from Colombia, under the new category system, effective on Janurary 1, 1978, and for the remainder of the agreement year which began on July 1, 1977, and extends through June 30, 1978.

SUMMARY: The bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia establishes levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia and exported to the United States during the three-year period which began on July 1, 1975, and extends through June 30, 1978. In the letter to the Commissioner of Customs, published below, the Chairman of the Committee for the Implementation of Textile Agreements sets forth a category of wool textile products to be controlled by Customs, effective on January 1, 1978, in terms of the new textile category system. (See 42 FR 40610). Accordingly, Category 120 (men's and boys' wool suits) becomes Category 443. The level of restraint previously established for this category during the agreement year which began on July 1, 1977, remains the same. (See 42 FR 33787).

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DECEMBER 16, 1977.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive of June 30, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia and exported to the United States during the twelve-month period which began on July 1, 1977.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1978 and for the twelve-month period which began on July 1, 1977 and extends through June 30, 1978, entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool textile products in Category 443 (formerly Category 120) in excess of the following level of restraint:

Category: 443.
12-month level of restraint: 134,130 units.

In carrying out this directive, entries of wool textile products in Category 120, produced or manufactured in Colombia and exported to the United States prior to January 1, 1978, shall be charged to the level of restraint set forth herein for Category 443.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 28, 1975, between the Governments of the United States and Colombia, which provide, in part, that: (1) Within the aggregate the applicable group limits, specific limits may be exceeded by designated percentages; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in Statistical Headnote 4, Schedule 3 of the Tariff Schedules of the United States Annotated (1978).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of

the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements U.S. Department of Commerce.

[FR Doc. 77-36507 Filed 12-21-77; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulation Commission

[Docket No. RP78-18]

EL PASO NATURAL GAS CO.

Proposed Change in Rates

DECEMBER 14, 1977.

Take notice that on November 29, 1977, El Paso Natural Gas Co. ("El Paso") tendered for filing a notice of a change in rates for its interstate pipeline system containing the following revised tariff sheets:

ORIGINAL VOLUME NO. 1

Twenty-Second Revised Sheet No. 3-B
Sixth Revised Sheet No. 63-C.6

THIRD REVISED VOLUME NO. 2

Twelfth Revised Sheet No. 1-D
Fifth Revised Sheet No. 1-D.2
Sixth Revised Sheet No. 1-M.6

O RIGINAL VOLUME NO. 2A

Fourteenth Revised Sheet No. 1-C
Sixth Revised Sheet No. 7-MM.6

The tendered revised tariff sheets provide for a change in rates to apply to El Paso's interstate natural gas operations. The proposed effective date is January 1, 1978. El Paso states that its jurisdictional rates which are firm and which were approved by order issued August 1, 1977, at Docket No. RP77-18, are deficient based upon the test period cost of service and projected sales volumes in a basic amount of approximately $112,176,111 annually. Such deficiency is applicable to all items of cost, including that portion of El Paso's increased gas well royalty and production tax expense which would result from increases in the price of natural gas up to the Opinion No. 770 and 770-A level. El Paso, to insure the opportunity of full cost recovery, has also reflected in its proposed rates the impact upon its gas well royalty and production tax expense of the enactment of the Pearson-Bentsen II deregulation proposal as passed by the Senate, which in El Paso's view represents the most reasonable estimate of the maximum increase in gas well royalty and production tax expense which can be expected to eventuate, given the various legislative options currently before Congress. On this basis, the deficiency in El Paso's jurisdictional rates consists of the basic deficiency of $112,176,111 annually, plus an additional deficiency of approximately $122,343,354, or a total deficiency of $234,519,465, annually.

The increase in rates proposed herein and necessary to recover such $234,519,465 deficiency is an overall increase of 26.21 cents per Mcf under all affected rate schedules, except for Rate Schedule X-1, and the special rate schedules "keyed" thereto, where the increase proposed is 22.25 cents per Mcf. The proposed increase in rates for certain transportation services is 3.45 cents per Mcf, as to mainline transmission rates, 1.62 cents per Mcf, as to field transmission and field gathering charges, 1.07 cents per Mcf, as to processing and 0.01 cents per Mcf applicable to dehydration only. Additionally, the increase proposed in the surcharge rate applicable to storage operations conducted by means of El Paso's Rhodes storage reservoir, utilized to protect priority 1 and 2 requirements of east-of-California customers, is 0.50 cents per Mcf. The increased rates proposed provide for an overall rate of return on invested capital of 11.17 percent.

El Paso states that the principal reasons for the proposed change in rates for which notice is given are declining gas supply and increases in virtually all items of cost, such as special overriding royalties, labor, capital, materials, and supplies, regular royalties, and taxes.

El Paso states that, in light of the current uncertainties of Federal legislation, El Paso has also included in the instant notice of rate change "Alternative Revised Tariff Sheets," which reflect the basic deficiency of $112,176,111, including the increase in gas well royalty and production tax expense which will result from increases in the price of natural gas pursuant to the pricing provisions of Opinion Nos. 770 and 770-A. On this basis, El Paso's jurisdictional rates, which were approved by final Commission order issued August 1, 1977, at Docket No. RP77-18, are deficient by some $112,176,111 annually, based upon the test period cost of service and the projected sales volumes. The increase in rates necessary to recover such deficiency is an overall increase of 12.56 cents per Mcf under all affected rate schedules, except for Rate Schedule X-1, and the special rate schedules "keyed" thereto, where the increase proposed is 8.60 cents per Mcf. Such revenue deficiency of $112,176,111 includes increases in annualized amounts for special overriding royalties of $27 million, for regular royalties of $16.9 million and for production taxes of $5.4 million over those amounts reflected in El Paso's presently effective rates.

El Paso proposes that, given the uncertainties of the impact of Federal legislation affecting the price of new natural gas, and further, given the increasing magnitude and difficulty in forecasting and recovering expenses attributable to gas well royalties (including special overriding royalties) and production taxes, the tendered "Alternative Revised Tariff Sheets," be made effective subject to the express condition that, thereafter, El Paso be permitted to file revisions to such tariff sheets from time to time to reflect changes in all gas well royalty (including special overriding royalty) and production tax expense resulting from variations in the volume of produced gas and from changes in the price of natural gas.[1] In this connection, El Paso requests that such authorization be limited so as to permit it to reflect such revisions to its effective rates, only until such time as El Paso places in effect rate revisions under a general system-wide rate increase filing or such time as El Paso is granted authorization by the Commission to implement a permanent gas well royalty and production tax adjustment provision in its gas tariff, as described in the filing, whichever occurs first. If the Commission should not permit the tendered "Alternative Revised Tariff Sheets" to become effective subject to the express condition requested by El Paso, El Paso respectfully requests that the tendered "Revised Tariff Sheets" be made effective in lieu of the tendered "Alternative Revised Tariff Sheets."

For the reasons fully explained in the statement of the nature, the reasons, and the basis for the instant notice of rate change, El Paso specifically requests waiver of the requirements of § 154.63(3)(2)(i) of the Commission's regulations, in order to permit El Paso to include in its rates the effect of increased natural gas prices upon special overriding royalty costs which will be incurred by El Paso on June 1, 1978, only one (1) day beyond the end of the test period selected for the instant filing. El Paso also requests waiver of the requirements of § 154.63(3), (2)(ii) of the Commission's regulations, to permit the inclusion in rate base of facilities not yet

[1] In the event that the tendered "Alternative Revised Tariff Sheets" are accepted, El Paso further requests that the revised tariff sheets tendered and not affected by the increased gas well royalty and production tax expense (namely Sixth Revised Sheet No. 63-C.6 of Original Volume No. 1, Fifth Revised Sheet No. 1-D.2 and Sixth Revised Sheet No. 1-M.6 of Third Revised Volume No. 2, and Sixth Revised Sheet No. 7-MM.6 of Original Volume No. 2A) be accepted and made effective concurrently.

placed in service. In the event that such facilities have not been placed in service prior to the effective date of the rates which are the subject of this filing, El Paso states that it will adjust its rates to reflect the elimination of such facilities from rate base and the elimination of the associated costs from rates.

In connection with the instant notice of rate change, El Paso is also requesting that it be permitted to include in Original Volume No. 1 of its FERC gas tariff, a permanent gas well royalty and production tax adjustment provision, to permit the periodic adjustment of El Paso's rates to reflect changes in El Paso's gas well royalty and production tax expense resulting from variations in the volume of produced gas and from changes in the price of natural gas. To implement such provision, El Paso has submitted certain pro forma tariff sheets which are also included under the "Alternative Revised Tariff Sheets." El Paso has requested that the Commission institute an investigation into the justness and reasonableness of including a permanent gas well royalty and production tax adjustment provision in El Paso's tariff, and that such investigation be conducted with and as a part of the section 4 proceeding precipitated by the filing of the instant notice of rate change. El Paso further requests that the Commission approve the proposed adjustment provision and that the tendered tariff sheets implementing such provision be made effective for prospective application following the issuance of a final Commission order approving such tariff sheets.

El Paso requests that waiver be granted of all applicable rules and regulations of the Commission as may be necessary so as to implement the instant notice of change in rates in the manner described herein

El Paso states that a copy of the instant notice of change in rates, together with a copy of the documents filed concurrently, have been served upon all affected customers served under El Paso's Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A Tariff, all direct sale customers served from El Paso's interstate system whose rates are "keyed" to jurisdictional rates and, otherwise, upon all interested state regulatory commissions.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36690 Filed 12-21-77; 8:45 am]

[3128-01]

Office of Energy Technology

FOSSIL ENERGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Fossil Energy Advisory Committee will meet Thursday, January 12, 1978, at 9 a.m., Marriott Twin Bridges Hotel, Persian Ballroom, Route 1 and Interstate I-395, Arlington, Va.

The purpose of the Committee is to provide the Department of Energy with advice in developing through research, new and more efficient methods of mining, preparing and utilizing coal.

The agenda for the meeting is as follows:

1. Market Oriented Program Planning Study (MOPPS):
   - Status of the MOPPS Report.
   - General Conclusions of the Study.
   - Probable Impact of MOOPS on Current Budget Decision.
   - Long Range Impact of MOPPS, and its Relation to the Inexhaustibles Study.
2. Shale Oil and Tar Sands:
   - Recent Developments and State of Technology.
   - Recent Tract Openings and their Effects, Timing, Cost, Plans and New Data.
3. Discussion—Fossil Energy Program.
4. Public Comment (10 Minute Rule).

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

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

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

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

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 77-36531 Filed 12-21-77; 8:45 am]

[3128-01]

HOT GAS CLEANUP TECHNOLOGY SUBCOMMITTEE OF THE FOSSIL ENERGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Hot Gas Cleanup Technology Subcommittee of the Fossil Energy Advisory Committee will meet Wednesday, January 11, 1978, at 2 p.m., Room 4222C, 20 Massachusetts Avenue, NW., Washington, D.C.

The purpose of the meeting is to explore the general hot gas cleanup technology area and needs, and provide an independent assessment of the Department of Energy's possible role. Discussion will focus upon:

1. Options for Cleanup.
2. Obstacles to Success.

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

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

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

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

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 77-36532 Filed 12-21-77; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority—State of Georgia

On November 4, 1976, J. Leonard Ledbetter, Director of the Georgia Department of Natural Resources' Environmental Protection Division, submitted to the EPA Regional Office a request for delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS) for ferroalloy production facilities and National Emission Standards for Hazardous Air Pollutants (NESHAPS) for vinyl chloride. After a thorough review of the request and information submitted, the Regional Administrator has determined that this delegation is appropriate subject to the conditions set forth in the following letter.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Atlanta, Ga., August 8, 1977.

Mr. J. LEONARD LEDBETTER,

Director, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street SW., Atlanta, Ga. 30334.

DEAR MR. LEDBETTER: On May 3, 1976, we delegated to the Environmental Protection Division the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of that date. On May 4, 1976, EPA promulgated NSPS for ferroalloy production facilities and on October 21, 1976, EPA promulgated NESHAPS for vinyl chloride. In your letter of November 4, 1976 to Jack E. Ravan, you requested that EPA delegate to the Environmental Protection Division the authority for implementation and enforcement of the two new regulations mentioned above.

As stated in our May 3, 1976 letter, we have reviewed the pertinent laws of the State of Georgia and the rules and regulations and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the State of Georgia. Therefore, we hereby delegate our authority for implementation and enforcement of the NSPS and NESHAPS to the State of Georgia as follows:

A. Authority for all sources located or to be located in the State of Georgia subject to the Standards of Performance for New Stationary Sources for ferroalloy production facilities promulgated in 40 CFR Part 60 as of the date of this letter.

B. Authority for all sources located or to be located in the State of Georgia subject to the National Emission Standards for Hazardous Air Pollutants for vinyl chloride promulgated in 40 CFR Part 61 as of the date of this letter.

This delegation is based upon the same conditions as stated in our May 3, 1976 letter. A copy of that letter was published in the Notices section of the June 21, 1976 FEDERAL REGISTER (41 FR 24932), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new sources shall be submitted to the State of Georgia (41 FR 24885). Those conditions are hereby incorporated into this delegation by reference. A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within ten days of the date of receipt of this letter, the Environmental Protection Division will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. LITTLE,
Acting Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Director of the Georgia Department of Natural Resources' Environmental Protection Division on August 8, 1977, that the authority to implement and enforce NSPS for ferroalloy production facilities and NESHAPS for vinyl chloride was delegated to the State of Georgia.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

Effective immediately, all reports required pursuant to the delegated NSPS and NESHAPS should be submitted to the State agency at the following address:

Environmental Protection Division, Department of Natural Resources, 270 Washington Street SW., Atlanta, Ga. 30334.

This notice is issued under the authority of sections, 111, 112, and 301 of the Clean Air Act as amended, 42 U.S.C. 7411, 7412, and 7601.

Dated: December 12, 1977.

JOHN A. LITTLE,
Acting Regional Administrator.

[FR Doc. 77-36558 Filed 12-21-77; 8:45 am]

[6560-01]

[FRL 833-5; OPP-30109A]

PESTICIDE PROGRAMS

Approval of Application To Register Pesticide Product Containing a New Active Ingredient

On March 12, 1976, notice was given (41 FR 10710), that Rhodia Inc., Agricultural Division, 23 Belmont Drive, Somerset N.J. 08873, had filed an application (EPA File Symbol No. 359-ATO), with the Environmental Protection Agency to register the pesticide product Rhodia Oxadiazon Technical containing 97.4% of the active ingredient Oxadiazon which was not previously registered at the time of submission. PM24

This application was approved May 24, 1977, and the product has been assigned the EPA Registration No. 359-679. Rhodia Oxadiazon Technical is classified for formulating herbicides. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of FIFRA, will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of May 24, 1977. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Such requests should (1) identify the product by name and registration number, and (2) specify the data or information desired.

Dated: December 15, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 77-36559 Filed 12-21-77; 8:45 am]

[6560-01]

[FRL 833-6; OPP-30000/10B]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Lindane; Correction

On Feb ruary 17, 1977, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (42 FR 9816) a notice of rebuttable presumption against registration (RPAR) of lindane. The RPAR was based on studies reporting that exposure to lindane is associated with oncogenic, teratogenic, and fetotoxic effects in laboratory animals. In addition, EPA requested further information and comment on the extent to which lindane may be causing various blood dyscrasia problems. However, EPA specifically indicated that it was not presuming against lindane on the basis that it caused blood dyscrasias.

The purpose of this notice is to clarify a reference in the RPAR notice which may have incorrectly implicated lindane smoke products with blood dyscrasias. In the portion of that notice discussing studies reporting that lindane has been associated with blood dyscrasias in humans following exposure to vaporized lindane (42 FR 9821), there is a footnote referring the reader to the Regulatory History section of the Position Document. In this section, EPA reviewed litigation involving Continental Chemiste Corp.'s lindane smoke products.

Continental Chemiste Corp. contends that the footnote reference creates the misimpression that its smoke products were involved in the medical case histories cited in the test. This notice is intended to make it clear that the medical histories involved exposure to lindane vaporizers. None of the case histories are known to have involved exposure to lindane smoke products. Vaporized lindane differs from lindane smoke in the size of particles emitted.

Dated: December 15, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 77-36560; Filed 12-21-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

EWING AGENC Y, INC.

Formation of Bank Holding Co.

DECEMBER 15, 1977.

Ewing Agency, Inc., Ewing, Nebr., 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 100 percent of the voting shares (less directors' qualifying shares), of Farmers State Bank, Ewing, Nebr. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 11, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36482 Filed 12-21-77; 8:45 am]

[6210-01]

FIRST GOTHENBURG BANCSHARES, INC.

Formation of Bank Holding Co.

First Gothenburg Bancshares, Inc., Gothenburg, Nebr., 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 97 percent of the voting shares (less directors' qualifying shares), of First State Bank, Gothenburg, Nebr. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applicaion should submit views in writing to the Reserve Bank, to be received not later than January 10, 1978.

Board of Governors of the Federal Reserve System, December 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36483 Filed 12-21-77; 8:45 am]

[6210-01]

HAWARDEN BANSHARES, INC.

Formation of Bank Holding Co.

Hawarden Banshares, Inc., Hawarden, Iowa, 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 83.75 percent or more of the voting shares of Farmers State Bank, Hawarden, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 9, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36484 Filed 12-21-77; 8:45 am]

[6210-01]

WESTERN BANKS OF WYOMING

Acquisition of Bank

Western Banks of Wyoming, Rapid City, S. Dak., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)), to acquire 83 percent of the voting shares of Moorcroft State Bank, Moorcroft, Wyo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 11, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36485 Filed 12-21-77; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of 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 December 13, 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 January 9, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, room 5106, 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 is requesting clearance of a revision to 10 CFR 20.203, Caution Signs, Labels, Signals and Controls. The amendment to section 20.203(c), High Radiation Areas, establishes additional requirements to improve safety in the use of and reduce the probability of accidental exposure of

workers to sealed sources that produce very high levels of radiation. Footnote 2 of the effective rule sets out the reporting requirement to achieve compliance with section 20.203. Subsection 20.203(c)(vii) requires that records be kept of tests of entry control into areas where a sealed source of radiation is used to insure that personnel entering the area after use of the source are not exposed to radiation doses above 100 mrem an hour. The NRC estimates that respondents are approximately 50 licensees and that reporting time for the one-time reporting requirement required under footnote 2 averages 16 hours per respondent and the recordkeeping time averages one hour per year per facility. The NRC states that similar reports would be required from about 3 applicants per year for irradiator licenses and that burden would average approximately 13-14 hours per year for irradiator license applicants.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 77-36533 Filed 12-21-77; 8:45 am]

[4110-39]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting

Notice is hereby given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on January 7-9, 1978, at the National Institute of Education, 1200 19th Street NW., Washington, D.C., in Room 823. The Panel will meet from 9 a.m. until 5 p.m. on January 7 and 8 and from 9 a.m. until approximately 12:30 p.m. on January 9.

The Panel for the review of Laboratory and Center Operations is established under section 405 of the General Education Provisions Act as amended by section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include:

(a) Preparing recommendations on initial long-range funding and program plans submitted by the 17 educational laboratories and research and development centers;

(b) Reviewing and assessing the operations of the laboratories and centers and making recommendations for the improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. The agenda below will revolve around the Panel's review of the long-range plans submitted by the eight laboratories and centers which are indicated.

SATURDAY, JANUARY 7

9 a.m.—Convene.
9-9:15—Approve December 17-19 minutes.
9:15-10:45—General business.
10:45-12:30—Southwest Educational Development Laboratory.
12:30-1:30—Lunch.
1:30-3:15—Center for Vocational Education.
3:15-5—Center for Educational Research at Stanford.

SUNDAY, JANUARY 8

9-10:45—CEMREL.
10:45-12:30—Wisconsin Research & Development Center for Cognitive Learning.
12:30-1:30—Lunch.
1:30-3:15—Center for the Study of Evaluation.
3:15-5—Far West Laboratory.

MONDAY, JANUARY 9

9-10:45—National Center for Higher Education Management Systems.
10:45-12:30—General business.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute), may be submitted at any time and should be sent to the address shown below.

In accordance with the announcement previously made, 42 FR 43131, August 26, 1977, copies of the records of all Panel proceedings can be obtained by contacting the Panel office. Minutes require approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Panel office at the address or telephone number listed below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, Washington, D.C. 20208, 202-254-5680.

Dated: December 20, 1977.

CAROLYN BREEDLOVE,
Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 77-36594 Filed 12-21-77; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming committee meeting of the National Advisory Council on Indian 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)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Government Intra-Agency Committee: January 6-7, 1978, 9 a.m. to 5 p.m.

ADDRESS: Suite 326, 425 13th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stuart A. Tonemah, executive director, Office of the National Advisory Council on Indian Education, suite 326, 425 13th Street NW., Washington, D.C. 20004, 202-376-8882.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of P.L. 92-318, (20 U.S.C. 1221g).

The Council is directed to: (1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L.

81-874) as added by Title IV, Part A, of P.L. 92-318; and

(7) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on January 6-7, 1978, will be open to the public. This meeting will be held at suite 326, 425 13th Street NW., Washington, D.C.

The proposed agenda includes: (1) BIA Interagency Agreement.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., suite 326, Washington, D.C. 20004.

Date: December 12, 1977.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 77-36552 Filed 12-21-77; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-832]

TASK FORCE ON TENANT PARTICIPATION IN THE MANAGEMENT OF LOW-INCOME PUBLIC HOUSING

Meeting

AGENCY: Department of Housing and Urban Developmend (HUD).

ACTION: Notice is given announcing the third meeting date of the Task Force.

SUMMARY: The Secretary is announcing the third meeting and agenda for the Task Force on Tenant Participation in the Management of Low-Income Public Housing. Meetings are scheduled for January 6-9, 1978, and the agenda for the meetings are stated.

DATE OF THIRD MEETING: The third meeting of the Task Force is scheduled to be held over a four-day period beginning on January 6, 1978, at 10 a.m. in Denver, Colo., at the Brown Palace Hotel, located at 321 Seventeenth Street.

ADDRESSES: James F. Anderson, Acting Director, Project Management Division, Office of Assisted Housing Management, Room 6248, or Joseph Smith, Director, Consumer Liaison Division, Office of Consumer Affairs, Room 4212, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

James F. Anderson, 202-755-6429; Joseph Smith 202-755-5360; Donald McLain, 202-755-5333.

SUPPLEMENTARY INFORMATION: Meeting of the Task Force on Tenant Participation in the Management of Low-Income Public Housing have been scheduled for the dates and time indicated above. This will be the third full session meeting convened by the Task Force as prescribed in its Charter. The first meeting of the Task Force was held over a two-day period which began on November 7, 1977. The second meeting was also held over a two-day period which began on November 29, 1977.

The agenda for the January meeting includes the following:

1. Minutes of the previous meetings.
2. Continued discussion of subjects to be incorporated in the proposed regulation including: recognition and funding, mechanism for dispute settlement, compliance, and Tenant Management Corporation.

The meeting of the Task Force will be open to the public.

Issued at Washington, D.C., December 20, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 77-36632 Filed 12-21-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed at the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10 a.m. on December 14, 1977:

BOISE MERIDIAN, IDAHO

T. 48N., R. 3 W.
Dependent resurvey and subdivision of sections 26 & 35.
T. 15N., R. 3 W.
Dependent resurvey and subdivision of sections 30, 31, & 32.
T. 39 N., R. 1 W.
Dependent resurvey and survey of section 37.

2. A dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, and the survey of sec. 37 from previously unsurveyed lands in T. 39 N., R. 1 W., Boise Meridian, Idaho, accepted November 16, 1977. This survey was executed at the request of the U.S. Forest Service.

3. A dependent resurvey of a portion of the south and west boundaries and a portion of the subdivisional lines and the subdivision of secs. 30, 31, and 32, T. 15N., R. 3 W., Boise Meridian, Idaho, accepted November 14, 1977. This survey was executed to meet certain administrative needs of the Bureau.

4. A dependent resurvey of a portion of the south boundary, and subdivisional lines, and a subdivision of secs. 26 and 35, T. 48 N., R. 3 W., Boise Meridian, Idaho, accepted October 17, 1977. This survey was executed at the request of the U.S. Forest Service.

Inquiries concerning the lands should be addressed to the Chief, Branch of Records, Bureau of Land Management, Boise, Idaho.

ROSE GASTELL,
Chief, Branch of Records, Boise, Idaho.

[FR Doc. 77-36434 Filed 12-21-77; 8:45 am]

[4310-84]

[Serial No. A 7950]

ARIZONA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal, as Modified

On February 19, 1974, the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, filed application A 7950, requesting (1) that the public lands in the Kofa Game Range be withdrawnm from appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, (2) that 87,200 acres of public lands in the New Water Mountain area be withdrawn from the operation of the public land laws including the mining and mineral leasing laws and added to the Kofa Game Range, (3) that the Kofa Game Range be redesignated as the Kofa National Wildlife Range and, (4) that the Range be placed under the sole jurisdiction of the U.S. Bureau of Sport Fisheries and Wildlife (now the U.S. Fish and Wildlife Service).

The Notice of Proposed Withdrawal was published in the FEDERAL REGISTER on March 6, 1974, Volume No. 39, Document No. 74-5090.

Public hearings were held in Yuma, Ariz. on April 24, 1974 and in Phoenix, Ariz. on April 26, 1974 on both the withdrawal application and the Fish and Wildlife Service Wilderness proposal for these lands.

Public Law 94-223 of February 27, 1976 transferred the Kofa Game Range to the sole jurisdiction of the U.S. Fish and Wildlife Service and re-

designated the lands therein as the Kofa National Wildlife Refuge. However, no decision has as yet been made on the withdrawal of the Refuge from the operation of the public land laws including the mining and mineral leasing laws or on the withdrawal of 87,200 acres of public lands in the New Water Mountains and addition of these lands to the Refuge.

The Federal Land Policy and Management Act of 1976, 90 Stat. 2754, established new procedures for publishing and processing withdrawal applications. This notice is a republication of the withdrawal application in accordance with the requirements of that Act to give notice that the application for withdrawal A 7950 is still pending and to give notice of the opportunity for further public hearings.

Lands now included within the Kofa National Wildlife Refuge and proposed to be withdrawan from entry are described as:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Tps. 1 and 2 N., Rs. 15, 16, 17, and 18 W.
Tps. 1, 2, 3, and 4 S., Rs. 15, 16, 17, and 18 W.
T. 2 S., R. 19 W.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive,
Secs. 22 to 28, inclusive, and secs. 32 to 36, inclusive.
T. 3 S., R. 19 W.,
Secs. 1 to 5, inclusive, secs. 8 to 17, inclusive,
Secs. 20 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 4 S., R. 19 W.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive,
Secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 5 S., Rs. 17 and 18 W.
T. 5 S., R. 19 W.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive,
Secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.

The areas described aggregate approximately 660,000 acres of public and nonpublic land in Yuma County.

Lands in the New Water Mountain Area proposed to be added to the Refuge and withdrawn from entry are described as:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 N., R. 15 W.,
Secs. 29 to 32, inclusive.
T. 3 N., R. 16 W.,
Secs. 3 to 10, inclusive, secs. 13 to 36, inclusive.
T. 3 N., Rs. 17 and 18 W.
T. 4 N., R. 14 W.,
Sec. 31, S½;
Sec. 32, S½.
T. 4 N., R. 17 W.,
Sec. 29, S½;
Sec. 30, S½;
Secs. 31 to 35, inclusive;
Sec. 36, S½.
T. 4 N., R. 18 W.,
Sec. 22, SE¼;
Sec. 23, S½;
Sec. 24, SW¼;
Sec. 25, W½ and SE¼;
Secs. 26 to 28, inclusive, secs. 32 to 36, inclusive.
T. 1 S., R. 19 W.,
Secs. 12, 13, 24, 25, 35, and 36;
Sec. 26, S½;
Sec. 27, SE¼;
Sec. 34, E½.
T. 2 S., R. 19 W.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive;
Sec. 20, E½;
Sec. 21;
Sec. 29, E½.

The additional lands aggregate approximately 87,200 acres of public and nonpublic lands in Yuma County.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Ariz. 85073, on or before January 31, 1978. If a public hearing is to be held, notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. All comments previously submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management.

Upon the filing of the application for withdrawal on February 19, 1974, all the lands were temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

Dated: December 15, 1977.

GLENDON E. COLLINS,
Chief, Division of Technical Services.

[FR Doc. 77-36430 Filed 12-21-77; 8:45 am]

[4310-84]

[Serial No. A 7951]

ARIZONA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal as Modified

On February 21, 1974, the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, filed application A 7951, requesting (1) that the lands in the Cabeza Prieta Game Range be withdrawn from appropriation under the public land laws including the mining laws (30 U.S.C., Ch. 2), and the mineral leasing laws, (2) that 79,000 acres of public lands at the western border of the Game Range be added to the refuge and said lands be withdrawn from the operation of the public land laws including the mining and mineral leasing laws, (3) that the Cabeza Prieta Game Range be redesignated as the Cabeza Prieta National Wildlife Refuge, and (4) that the Refuge be placed under the sole Jurisdiction of the Bureau of Sport Fisheries (now the United States Fish and Wildlife Service).

The Notice of Proposed Withdrawal was published in the FEDERAL REGISTER on March 6, 1974, Vol. 39, document No. 74-5091.

Public hearings were held in Yuma, Ariz., on April 24, 1974, and in Phoenix, Ariz., on April 26, 1974, on both the withdrawal application and the Fish and Wildlife Service Wilderness proposal for these lands.

On March 21, 1975, Public Land Order No. 5439 transferred the sole administrative jurisdiction of the Cabeza Prieta Game Range to the United States Fish and Wildlife Service and changed the name from Cabeza Prieta Game Range to Cabeza Prieta National Wildlife refuge.

No decision has been made on the withdrawal of the 79,000 acres of public lands on the western border of the Refuge or the addition of these lands to the Refuge.

The Federal Land Policy and Management Act of 1976, 90 Stat. 2754, established new procedures for publishing and processing withdrawal applications. This notice is a republication of the withdrawal application in accordance with the requirements of that Act to give notice that the application for withdrawal A 7951 is still pending and to give notice of the opportunity for further public hearings.

Lands proposed to be withdrawn from entry are described as:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Tps. 11, 12, and 13 S., R. 7 W.
T. 14 S., R. 7 W.,
Secs. 1 to 18, inclusive.
Tps. 11, 12, and 13 S., R. 8 W.
T. 14 S., R. 8 W.,
Secs. 1 to 21, inclusive; and

Secs. 28 to 33, inclusive.
T. 15 S., R. 8 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive; and
Secs. 28 to 33, inclusive.
T. 16 S., R. 8 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive; and
Secs. 28 to 33, inclusive.
T. 17 S., R. 8 W.,
Secs. 4, 5, 6, 8, and 9.
Tps. 12, 13, 14, 15, 16, and 17 S., R. 9 W.
Tps. 12, 13, 14, 15, and 16 S., R. 10 W.
Tps. 12, 13, 14, 15, and 16 S., R. 11 W.
Tps. 12, 13, 14, and 15 S., R. 12 W.
Tps. 12, 13, 14, and 15 S., R. 13 W.
Tps. 12, 13, 14, and 15 S., R. 14 W.
Tps. 12, 13, and 14 S., R. 15 W.
Tps. 12, 13, and 14 S., R. 16 W.
T. 12 S., Rs. 17 and 18W.
T. 13 S., Rs. 17 and 18W.
T. 14 S., R 17 W.

The areas described, including both public and nonpublic lands, aggregate approximately 940,000 acres in Pima and Yuma Counties.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Ariz. 85073, on or before January 31, 1978. If a public hearing is to be held, notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. All comments previously submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Managment.

Upon the filing of the application for withdrawal on February 21, 1974, all the lands were temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

Dated: December 15, 1977.

GLENDON E. COLLINS,
Chief, Division of Technical Services.

[FR Doc. 77-36431 Filed 12-21-77; 8:45 am]

[4310-84]

[Serial No. A 10342]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

On November 28, 1977, the U.S. Fish and Wildlife Service, Department of the Interior, filed application A 10342, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Chapter 2), but not the mineral leasing laws, subject to existing valid rights:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11 N., R. 17 W.,
Sec. 19, Lot 2, NE¼SW¼, S½SE¼, and those portions of Lot 1, SW¼NE¼, E½NW¼, and N½SE¼ lying south of the existing Havasu National Wildlife Refuge boundary as described in Executive Order No. 8647 of January 22, 1941;
Sec. 20, E½, E½W½, SW¼SW¼;
Sec. 21, SW¼SW¼;
Sec. 25, S½S½;
Sec. 26, SE¼SW¼, S½SE¼;
Sec. 27, SW¼NE¼, S½NW¼;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 29, E½NW¼;
Sec. 33, S½NE¼, SE¼NW¼;
Sec. 34, N½N½, SE¼NE¼;
Sec. 35, N½NE¼, S½NE¼SW¼, NW¼SW¼, S½NW¼SE¼; and
Sec. 36, N½SE¼NE¼.
T. 11 N., R. 18 W.,
Sec. 11, that portion lying between the existing Havasu National Wildlife Refuge boundary (Executive Order No. 8647) and State highway Route 95;
Sec. 12, that portion of the SW¼SW¼ lying between the existing Havasu National Wildlife Refuge boundary (Executive Order No. 8647) and State highway Route 95;
Sec. 13, W½E½SW¼, NW¼SW¼, and those portions of the E½NE¼SW¼, E½SE¼SW¼, and S½SE¼ lying south of the existing Havasu National Wildlife Refuge boundary (Executive Order No. 8647); and
Sec. 24, NE¼NE¼.

The areas described aggregate approximately 2,737 acres in Yuma and Mohave Counties.

The U.S. Fish and Wildlife Service proposes to reserve these lands as part of the Bill Williams unit of the Havasu National Wildlife Refuge.

Most of the subject lands are presently segregated to the extent described above under prior Fish and Wildlife Service applications AR 016724 and AR 018777. The applicant has withdrawn those two applications and refiled under serial number A 10342, combining the acreage. A notice will be published in the FEDERAL REGISTER terminating the two prior withdrawal applications.

On or before January 31, 1978, 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 authorized 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 in connection with the proposed withdrawal. 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 Land Management, Arizona state office, 2400 Valley Bank Center, Phoenix, Ariz. 85073. If a public hearing is held, notice will be published in the FEDERAL REGISTER giving the time and place of such hearing.

The Department of 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 assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the secretary on the application will be published in the FEDERAL REGISTER. The secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1977, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon: (1) Rejection of the application by the secretary, (2) withdrawal of the lands by the secretary, or (3) the expiration of two years from the date of publication of this notice.

Dated: December 15, 1977.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals, Operations.

[FR Doc. 77-36432 Filed 12-21-77; 8:45 am]

[4310-84]

[Wyoming 61829]

WYOMING

Notice of Application

DECEMBER 15, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4½ inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 93 W.,
Sec. 7, S½NE¼, W½SE¼;
Sec. 18, lots 3, 4, NW¼NE¼, E½NW¼, NE¼SW¼; and
Sec. 19, lots 1, 2, 3.
T. 36 N., R. 94 W.,
Sec. 24, E½SE¼; and
Sec. 25, NE¼, SE¼NW¼.

The pipeline will transport natural gas from the Nos. 22-25 and 41-25 Fuller Reservoir II wells located in the N½ of Section 25, T. 36 N., R. 94 W., to connect with Montana-Dakota Utilities existing line located in the S½NE¼ of Section 7, T. 36 N., R. 93 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-36433 Filed 12-21-77; 8:45 am]

[4310-84]

STUDY OF FEES FOR GRAZING LIVESTOCK ON FEDERAL LANDS

Meeting

Notice is hereby given of public meetings for informational purposes in association with the joint grazing fee study entitled "Study of Fees for Grazing Livestock on Federal Lands" between the Department of Agriculture and the Department of the Interior. This study was submitted to the Congress on October 20, 1977, in accordance with the Federal Land Policy and Management Act of 1976 (43 USC 1751), Section 401(a). On Wednesday, November 23, 1977, the two Departments published in the FEDERAL REGISTER proposed rulemaking in accordance with this study. The public meetings will review in detail the contents of the study leading to the two Secretary's recommendations. These announced public meetings, listed below, will not be for obtaining public comment on the proposed rulemaking. Comments on the proposed rulemaking must be addressed to the respective agencies in Washington, D.C., Chief, Forest Service (2200), P.O. Box 2417, Washington, D.C. 20013 and/or Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240, as noted in the FEDERAL REGISTER notice of November 23, 1977. The public meeting in Redding will be chaired by the U.S. Forest Service and the Bakersfield meeting will be chaired by the U.S. Bureau of Land Management.

1. 7 p.m., January 24, 1978, Shasta Inn, Centinual No. 3, 2180 Hilltop Drive, Redding, Calif. 96001.

2. 7 p.m., January 26, 1978, Hilton Inn, 3535 Rosedale Highway, Bakersfield, Calif.

ED HASTEY,
State Director.

[FR Doc. 77-36561 Filed 12-21-77; 8:45 am]

[4310-84]

[Colorado 24402E]

NORTHWEST PIPELINE CORP.

Notice of R/W Application for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4½" o.d. natural gas pipeline for the East Douglas Creek Gathering System approximately 2.5 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 101 W.
Sec. 21: Lot 3;
Sec. 22: Lot 6;
Sec. 28: SE¼SW¼, W½SE¼, NE¼SE¼, E½NE¼;
Sec. 32: N½SE¼; and
Sec. 33: E½NW¼, SW¼NW¼, NW¼SW¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 77-36514 Filed 12-21-77; 8:45 am]

[4310-84]

[NM 32294]

NEW MEXICO

Notice of Application

DECEMBER 14, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co., of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN, NEW MEXICO

T. 18 S., R. 33 E.,
Sec. 17, W½SW¼;
Sec. 18, SE¼NE¼ and NE¼SE¼;
Sec. 20, SW¼NE¼, N½NW¼, SE¼NW¼ and NW¼SE¼.

This pipeline will convey natural gas across 1.44 miles of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-36516 Filed 12-21-77; 8:45 am]

[4310-84]

[NM 32303]

NEW MEXICO

Notice of Application

DECEMBER 16, 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 8⅝-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 27, lots 8 and 9.

This pipeline will convey natural gas across 0.403 of a mile of public land 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 application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-36518 Filed 12-21-77; 8:45 am]

[4310-84]

[NM 32291, 32292, and 32293]

NEW MEXICO

Notice of Applications

DECEMBER 15, 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 two 4½-inch and one 8⅝-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 31, SE¼SW¼.
T. 31 N., R. 9 W.,
Sec. 17, lot 4;
Sec. 18, lots 5, 12, 13, 14 and 19;
Sec. 19, lots 6, 7, 9 and 10.
T. 31 N., R. 10 W.,
Sec. 5, lot 5;
Sec. 24, lots 7, 8, 9, 12 and 13;
Sec. 25, lot 3.

These pipelines will convey natural gas across 2.732 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

PAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-36517 Filed 12-21-77; 8:45 am]

[4310-84]

[NM 32275 and 32276]

NEW MEXICO

Notice of Applications

DECEMBER 14, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 25 E.,
Sec. 3, lots 10 and 11;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼; and
Sec. 10, W½NW¼.
T. 20 S., R. 27 E.,
Sec. 29, S½SW¼.

These pipelines will convey natural gas across 1.433 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLO,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-36515 Filed 12-21-77; 8:45 am]

[4310-84]

NEW MEXICO

Off-road Motorized Vehicle Designations

Notice is hereby given relating to the use of off-road vehicles on public lands under the authority of Executive Order 11644 and related amendments published in the FEDERAL REGISTER on May 25, 1977, and regulations contained in 43 CFR Part 6290. The following described land under administration of the Bureau of Land Management is designated as closed to off-road vehicle use.

Mescalero Sands South Dune Area A is designated as closed to vehicle use. The Mescalero Sands Recreation Complex is located approximately 33 miles east of Roswell, N. Mex. The area within Mescalero Sands known as South Dune Area A is closed to vehicles in order to protect the unique scenic, cultural, biological, and geological values of the area. It contains approximately 1920 acres.

The designation becomes effective on February 1, 1978. A map of the area affected by this designation is available from the Roswell District Office, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

JAMES H. O'CONNER,
District Manager.

DECEMBER 14, 1977.

[FR Doc. 77-36519 Filed 12-21-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. PAN AMERICAN WORLD AIRWAYS

Proposed Consent Judgments and Competitive Impact Statement

In the matter of United States v. Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft).

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that proposed consent judgments and a competitive impact statement have been filed with the U.S. District Court for the District of Columbia, Civil No. 77-197. The complaint filed by the United States charges three air carriers, Pan American World Airways, Inc., New York, N.Y.; Trans World Airlines, Inc., New York, N.Y.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), Cologne, Federal Republic of Germany, with violating Section 1 of the Sherman Act, 15 U.S.C. 1, by unreasonably restraining interstate and foreign trade and commerce in international air transportation. The complaint alleges that defen-

dants conspired from 1972 through 1974 to raise, fix, and stabilize the price of a certain military excursion fare applicable to travel between the United States and the Federal Republic of Germany by military personnel on leave and their dependents.

The proposed judgments enjoin the defendants from directly or indirectly agreeing with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation, unless such an agreement is authorized by the Civil Aeronautics Board. Greater detail is provided in the proposed consent judgments and competitive impact statement, copies of which appear below.

Public comment is invited on or before February 9, 1978. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 9, 1977.

WILLIAM E. SWOPE,
Director of Operations,
Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, plaintiff, v. *Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), defendants.*

Civil Action No. 77-197.
Filed: December 9, 1977.

STIPULATION

It is stipulated by and between the undersigned parties by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to Plaintiff and Defendants in this and any other proceeding.

Dated: December 9, 1977

For plaintiff: John H. Shenefield, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Donald L. Flexner, Robert J. Rose, Elliott M. Seiden, David W. Brown, Susan L. Gornstein, Kathryn Willcox Tate, Attorneys, Antitrust Division, U.S. Department of Justice.

For defendant Pan American World Airways, Inc.:
By WHITNEY NORTH SEYMOUR, Jr.,
Simpson Thacher & Bartlett.

For defendant Trans World Airlines, Inc.:
By JEROME G. SHAPIRO,
Hughes Hubbard & Reed.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, plaintiff, v. *Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), defendants.*

Civil Action No. 77-197.
Filed: December 9, 1977.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on February 3, 1977, and the Plaintiff and the Defendants Pan American World Airways, Inc., and Trans World Airlines, Inc., by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

Now, therefore, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of all parties hereto, it is hereby

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction of the subject matter herein and the parties consenting hereto. The complaint states a claim upon which relief may be granted against the Defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(a) "CAB" means the Civil Aeronautics Board.

(b) "Domestic air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of the United States or of any state, territory, or possession thereof.

(c) "Foreign air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of any country other than the United States or any state, territory, or possession thereof.

(d) "International air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(e) "Person" means any natural person, firm, partnership, association, corporation, or any other business or legal entity.

III

The provisions of this Final Judgment are applicable to both Defendants herein and shall also apply to each of said Defendant's officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each Defendant is enjoined and restrained from directly or indirectly engaging or participating in, entering into, adhering to, implementing, maintaining, enforcing, or claiming any right under any contract or agreement with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation:

Provided, however, that this Section IV shall not apply to any person affected by any order made by the CAB pursuant to Sections 408, 409 or 412 of the Federal Aviation Act (49 U.S.C. §§ 1378, 1379, 1382) insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

V

Each Defendant is ordered and directed:

(a) To establish a reasonable program for dissemination of, education as to, and compliance with this Final Judgment, involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions, advising them of its and their obligations under this Final Judgment. This program shall include, but is not necessarily limited to, the inclusion, in an appropriate company manual or internal memorandum, of this Final Judgment in whole or in part or an explanation thereof, and a statement of corporate compliance policy thereunder; and

(b) To furnish to Plaintiff within one hundred and twenty (120) days of the entry of this Final Judgment, and thereafter upon request by Plaintiff, on or about the anniversary date of this Final Judgment for a period of five (5) consecutive years from the date of its entry, an account of all steps the Defendant has taken during the preceding year to discharge its obligations under subparagraph (a) of this Section V and to include with said account copies of all written directives issued during the prior year with respect to compliance with the terms of this Final Judgment.

VI

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to either Defendant made to its principal office, be permitted:

(1) Access during office hours of such Defendant, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such Defendant relating to any of the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant, and without restraint or interference from it, to interview officers, directors, employees and agents of such Defendant, each of whom may have counsel present, regarding any such matters.

(b) Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to either Defendant's principal office, such

Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at the time information or documents are furnished by either Defendant to Plaintiff, such Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said Defendant marks each pertinent page of such material, "Subject to claim of protection under the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to such Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that Defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

Date ———————————

U.S. District Judge ———————————

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, plaintiff, v. *Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), defendants.*

Civil Action No. 77-197.

Filed: December 9, 1977.

STIPULATION

It is stipulated by and between the undersigned parties by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to Plaintiff and Defendant in this and any other proceeding.

Dated: December 9, 1977.

For Plaintiff: John H. Shenefield, Assistant Attorney General, William E. Swope, Charles F. B. McAleer, Donald L. Flexner, Robert J. Rose, Elliott M. Seiden, David W. Brown, Susan L. Gornstein, Kathryn Willcox Tate, Attorneys, Antitrust Division, U.S. Department of Justice.

For defendant, Lufthansa German Airlines:

By G. NATHAN CALKINS,
Galland, Kharasch, Calkins & Short.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, plaintiff v. *Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), defendants.*

Civil Action No. 77-197.

Filed: December 9, 1977.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on February 3, 1977, and the Plaintiff and the Defendant Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft) by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by either party with respect to any issue of fact or law herein:

Now, therefore, Prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of both parties hereto, it is hereby

Ordered, Adjudged and Decreed, as follows:

I

This Court has jurisdiction of the subject matter herein and the parties consenting hereto. The complaint states a claim upon which relief may be granted against the Defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(a) "CAB" means the Civil Aeronautics Board.

(b) "Domestic air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of the United States or of any state, territory, or possession thereof.

(c) "Foreign air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of any country other than the United States or any state, territory, or possession thereof.

(d) "International air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft of partly by aircraft and partly by other forms of transportation.

(e) "Person" means any natural person, firm, partnership, association, corporation, or any other business or legal entity.

III

The provisions of this Final Judgment are applicable to the Defendant herein and shall also apply to each of Defendant's officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The Defendant is enjoined and restrained from directly or indirectly engaging or participating in, entering into, adhering to, implementing, maintaining, enforcing, or claiming any right under any contract or agreement with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation:

Provided, however, That this Section IV shall not apply to any person affected by any order made by the CAB pursuant to Sections 408, 409 or 412 of the Federal Aviation Act (49 U.S.C. §§ 1378, 1379, 1382) insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

V

The Defendant is ordered and directed:

(a) To establish a reasonable program for dissemination of, education as to, and compliance with this Final Judgment, involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions, advising them of its and their obligations under this Final Judgment. This program shall include, but is not necessarily limited to, the inclusion, in an appropriate company manual or internal memorandum, of this Final Judgment in whole or in part or an explanation thereof, and a statement of corporate compliance policy thereunder;

(b) To undertake a good faith effort to cause to be established a reasonable program for dissemination of and education as to this Final Judgment, involving each corporate officer, director, employee and agent of its subsidiary Condor Flugdienst G.m.b.H. having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions; and

(c) To furnish to Plaintiff within one hundred and twenty (120) days of the entry of this Final Judgment, and thereafter upon request by Plaintiff, on or about the anniversary date of this Final Judgment for a period of five (5) consecutive years from the date of its entry, an account of all steps the Defendant has taken during the preceding year to discharge its obligations under subparagraph (a) and (b) of this Section V and to include with said account copies of all written directives issued during the prior year with respect to compliance with the terms of this Final Judgment.

VI

The Defendant is ordered and directed within sixty (60) days after the entry of this Final Judgment to send by certified mail a copy of this Final Judgment to the Condor Flugdienst G.m.b.H. agent designated by appointment or law to receive service of process, and within ten (10) days thereafter to

furnish Plaintiff with the certified mail receipt which represents compliance with this provision.

VII

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

(a) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant made to its principal office, be permitted:

(1) Access during office hours of Defendant, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant relating to any of the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Defendant, and without restraint or interference from it, to interview officers, directors, employees and agents, each of whom may have counsel present, regarding any such matters:

Provided, however, That subparagraph (a) of this Section VII shall not apply when:

(1) The sources of information described in this subparagraph (a) are located within the Federal Republic of Germany;

(2) Compliance with this subparagraph (a) is prohibited by the laws of the Federal Republic of Germany; and

(3) Defendant has exercised good faith efforts to obtain permission of the appropriate authorities but such permission has not been secured.

(b) Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the Defendant's principal United States office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at the time information or documents are furnished to Plaintiff, Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material, "Subject to claim of protection under the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Defendant is not a party.

VIII

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violations thereof.

IX

Entry of this Final Judgment is in the public interest.

Date ———————————

U.S.District Judge ———————————

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Pan American World Airways, Inc.; Trans World Airlines, Inc.; and Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft), defendants.*

Civil Action No. 77-197.

Filed: December 9, 1977.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgments submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On February 3, 1977, the United States filed a civil complaint alleging that the Defendants violated Section 1 of the Sherman Act, 15 U.S.C. § 1. The complaint alleges that the Defendants and various unnamed co-conspirators conspired from 1972 through 1974 to raise, fix, and stabilize the price of a certain military excursion fare applicable to travel between the United States and the Federal Republic of Germany ("FRG") by military personnel on leave and their dependants. The United States sought an injunction prohibiting the conduct alleged to have given rise to the violation.

Entry by the Court of the proposed Consent Judgments will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify, or enforce the Judgments or to punish alleged violations of any of the provisions of the Judgments.

The civil complaint was brought as a companion case to Criminal No. 77-73, filed the same day, and instituted against the same three corporate Defendants by grand jury indictment. The misdemeanor charges encompassed the same alleged conspiracy, and that case was terminated on October 21, 1977, when, after the entry of *nolo contendere* pleas, each Defendant was sentenced by the Court to pay a fine of $30,000.

II

DESCRIPTION OF PRACTICES GIVING RISE TO THE ALLEGED VIOLATION

A. The Defendants

Pan American World Airways, Inc. ("Pan American"), is a New York corporation with executive headquarters in New York City. It is a scheduled air carrier authorized to provide service primarily between points in the United States, its territories and possessions on the one hand, and to numerous foreign countries on the other.

Trans World Airlines, Inc. ("TWA"), is a Delaware corporation with executive headquarters in New York City. It is a scheduled air carrier authorized to serve the continental United States and several foreign countries.

Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft) ("Lufthansa") is a corporation organized and existing under the laws of the FRG, with principal offices in Cologne, FRG. Lufthansa is a foreign scheduled air carrier authorized to serve the FRG, the United States and various other countries.

B. Trade and Commerce Involved

Most international air transportation provided by scheduled air carriers is conducted pursuant to agreements executed between the United States and other nation states. These agreements are commonly entitled Air Transport Agreements. Article 11 of the Air Transport Agreement between the United States and the FRG, entered into on July 7, 1955, as amended, establishes the mechanism for the setting of fares by those scheduled air carriers providing international air transportation between the United States and the FRG over routes allocated by the Agreement. Fares may be set by scheduled air carriers either jointly or unilaterally. Joint fare setting may occur under the procedures of the International Air Transport Association (IATA), an international scheduled air carrier organization. If IATA procedures fail to result in an agreement which is approved by the air carriers' governments, or such procedures are otherwise not applicable, the scheduled air carriers ordinarily must set fares unilaterally. If either the United States or the FRG disapproves of such a unilaterally proposed fare, the fare must then be set through agreement between the governments.

In accordance with the Federal Aviation Act of 1958, as amended ("the Act"), 49 U.S.C. § 1301 et seq., the Civil Aeronautics Board ("the CAB" or "the Board") is the United States agency designated to regulate most aspects of international air transportation. Under Section 412 of the Act all air carriers must file every intercarrier agreement "relating to the establishment of transportation rates, fares, charges, or classifications" with the Board, and the Board shall "disapprove any such contract or agreement . . . that it finds to be adverse to the public interest, or in violation of [the] Act" and shall approve the rest.

The Board long ago approved a mechanism for the negotiation and setting of international fares by member scheduled air carriers. This mechanism is the IATA Traffic Conference, which meets on a regular basis to discuss and agree upon IATA fares for all members of the Conference. All three Defendants are members of the IATA North Atlantic Traffic Conference, which includes United States-FRG markets. Like all intercarrier agreements, however, each fare agreement reached under the IATA Conference mechanism must itself be submitted to the Board for approval. Once such a fare agreement is approved by the Board, Section 414 of the Act immunizes the agreement from the operation of the antitrust laws.

Although many international air transportation fares are established under the IATA procedures for joint fare setting, other international air transportation fares are established unilaterally, rather than under the auspices of IATA. One such "non-IATA" are setting may occur as a response to the requirement or authorization of an

individual government that an IATA-member scheduled air carrier provide a fare different from that which would otherwise be applicable under a currently effective IATA agreement. Upon the filing of a government authorization with IATA pursuant to IATA procedures, the scheduled air carrier in receipt of such authorization may set as fare which deviates from an agreed-upon IATA fare to the extent necessary to honor the government authorization. Other IATA-member scheduled air carriers authorized to fly the same routes are then permitted to make competitive responses. However, any agreement among scheduled air carriers to fix fares on traffic to or from the United States established pursuant to such a government authorization, like all agreements, must be filed with the CAB for its review and approval.

During the period 1972-1974, the Defendants, all IATA members, provided regularly scheduled services between the FRG and the United States. During this same period, the United States had approximately 300,000 troops stationed in the FRG. Many military personnel on leave and their dependents traveled in international air transportation between the FRG and the United States, taking discretionary trips whose cost was borne by the individual traveler. Pan American, TWA, and Lufthansa provided the predominant share of such international air transportation services.

The United States Department of Defense encouraged such travel by United States military personnel on leave and their dependents in the interest of the morale of the troops stationed in the FRG. In mid-1971, the Department of Defense requested that several domestic scheduled air carriers, including Pan American and TWA, institute fares lower than the already established IATA military excursion fare for personal discretion travel by United States military personnel on leave and their dependents. This request did not suggest a fare level other than to suggest generally that the fare should be lower than the IATA level.

Shortly thereafter, pursuant to the IATA procedures, Pan American transmitted the Department of Defense's request to IATA as a government authorization and implemented a non-IATA military excursion fare, applicable for discretionary travel in international air transportation by United States military personnel on leave and their dependents between the FRG and the United States. This non-IATA fare was $169.80 roundtrip between Frankfurt and New York, a reduction of almost 25 percent from the comparable IATA military excursion fare of $222. TWA and Lufthansa shortly thereafter implemented matching non-IATA military excursion fares.

C. Defendants' Practices

The Government would have contended at trial that beginning sometime in 1972 and continuing through most of 1974, the Defendants and unnamed co-conspirators engaged in a combination and conspiracy to fix, raise, stabilize and maintain the price levels of the non-IATA military excursion fare between points in the FRG and points in the United States in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The Government would have claimed that this combination and conspiracy resulted in three increases to the non-IATA military excursion fare: a six percent increase in the fare in May of 1973 from $169.80 to $180; a 22 percent increase in the fare in March of 1974 from $180 to $220; and a 30 percent increase in the fare in July of 1974 from $220 to $286. The complaint charges that the Defendants carried out the alleged combination and conspiracy in several ways, including:

(a) Engaging in communications with each other through meetings, telephone conversations, exchanges of telex messages and otherwise, regarding proposed alterations in the level of the non-IATA military excursion fare;

(b) Refraining from disclosing the existence of the agreement to the CAB;

(c) Refraining from obtaining the approval of the CAB to establish and implement the agreement; and

(d) Filing tariff revisions with the CAB which were the product of the agreement.

The complaint also states that in 1974 the Defendants derived approximately $15.8 million in revenues from sales to United States military personnel on leave and their dependents of international air transportation services between the United States and the FRG under the non-IATA military excursion fare.

D. The Antitrust Violation

As noted above, certain aspects of international air transportation are regulated by the CAB in accordance with the Federal Aviation Act. Whereas ordinarily, all combinations which tend to fix, raise, stabilize, or control prices would be considered illegal under Section 1 of the Sherman Act, the Federal Aviation Act exempts intercarrier agreements on rates, fares and charges from the operation of the antitrust laws under certain circumstances. If the carriers submit their agreement to the CAB, and it grants approval of the agreement prior to its implementation, then any person subject to that approval order is accorded antitrust immunity in respect of any activities within the scope of that official approval. However, any intercarrier agreement affecting rates, fares, and charges which has not been approved by the CAB remains subject to the ordinary operation of the antitrust laws.

As alleged in the complaint, the Defendants failed to disclose the existence of their alleged price-fixing agreement to the CAB and failed to obtain the approval of the CAB to establish and implement their agreement. The alleged violation of Section 1 of the Sherman Act, therefore, consisted of an agreement on fares entered into and implemented without the necessary review and approval of the CAB.

III

EXPLANATION OF THE PROPOSED CONSENT JUDGMENTS

The United States has consented to the entry of two Final Judgments, one with Defendants Pan American and TWA, and one with Defendant Lufthansa. The United States and Defendants have agreed in stipulations that these Final Judgments, in the forms negotiated by the parties, may be entered by the Court any time after compliance with the Antitrust Procedures and Penalties Act, provided that Plantiff has not withdrawn its consent. The Judgments provide that there have been no admissions by any of the parties with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of these Final Judgments is conditioned upon the Court's determination that they are in the public interest. The United States believes the proposed Consent Judgments are in the public interest.

A. Prohibited Conduct

The proposed Consent Judgments grant the fundamental relief the United States sought in the Complaint. In Section IV of both Judgments the Defendants are prohibited from directly or indirectly agreeing with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation unless such agreement is approved by the CAB.

B. Scope of the Proposed Judgments

Section III of the Pan American-TWA Judgment provides that its terms shall apply to these Defendants and to each of these Defendants' officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment by personal service or otherwise. Section III of the Lufthansa Judgment provides that its terms shall apply to that Defendant and to each of its officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment by personal service or otherwise.

Further, Section V of both proposed Judgments provides that each defendant shall establish a reasonable education and compliance program to advise all of its personnel involved in establishing international air transportation fare levels or tariff conditions of the corporation's and their obligations under the Final Judgment. The program must include, at a minimum, an explanation or copy of the Final Judgment and a statement of the corporate compliance policy under it in an appropriate company manual or memorandum. In addition, under the terms of Section V of the Lufthansa Judgment, Defendant Lufthansa must undertake a good faith effort to cause to be established a reasonable program for dissemination of and education as to the Final Judgment, involving each corporate officer, director, employee and agent of its subsidiary Condor Flugdienst G.m.b.H. ("Condor") having responsibilities in connection with or authority over the establishment of international air transportation fare levels or conditions. For a period of five years, if requested, all of the Defendants must also provide the Department of Justice with accounts of their required education and compliance programs.

Section VI of the Lufthansa Judgment provides that that Defendant shall within sixty (60) days of the entry of the Judgment send by certified mail a copy of the Final Judgment to the Condor agent designated to receive service of process.

In order to assure compliance with the Final Judgments, Section VI of the Pan American-TWA Judgment and Section VII of the Lufthansa Judgment confer upon duly authorized representatives of the Department of Justice the power to obtain access, upon reasonable notice, to the records, documents and personnel of each of the Defendants. The Lufthansa Judgment acknowledges that such power as to Defendant Lufthansa may be circumscribed when the sources of information are located in the FRG, compliance is prohibited by the laws of the FRG, and Lufthansa has been

unable to obtain compliance permission from the appropriate authorities despite its good faith efforts to do so. Under both Judgments, the Assistant Attorney General for the Antitrust Division may also require submission of written reports by Defendants with respect to matters covered by the Final Judgment.

C. Effect of the Proposed Final Judgments on Competition

The relief encompassed in the proposed Final Judgments is aimed at preventing any recurrence of the activities alleged in the complaint. It should be noted that while the complaint charged Defendants with agreeing to fix a scheduled military excursion fare without CAB approval, the Consent Judgments would prohibit fixing without CAB approval any international fare—all scheduled fares, all cargo fares and all charter fares. Entry of the proposed Judgments will ensure that each Defendants' fare levels and tariff conditions for international air transportation are set unilaterally unless such matters are formulated within the IATA mechanism for the negotiation and setting of international fares by member scheduled air carriers, or within other CAB approved procedures. This proposed relief vindicates the congressional intent that antitrust immunity attach to anticompetitive conduct—such as intercarrier agreements—only after proper notice to, public review by and approval of the CAB.

Accordingly, it is the opinion of the Department of Justice that the proposed Final Judgments adequately ensure the elimination of unsupervised and unregulated price fixing by these Defendants and a return to the kind of balance between competition and regulation which Congress intended for the air transportation industry. It is also the opinion of the Department that disposition of the matter without further litigation is appropriate in view of the fact that the proposed Final Judgments embody substantially the form and scope of relief that might have been obtained after a full airing of the issues at trial.

IV

REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. §15, provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Consent Judgments in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. §16(a), these Judgments have no *prima facie* effect in any subsequent private lawsuits which may be brought against these Defendants.

V

PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED FINAL JUDGMENTS

The propose Final Judgments are subject to stipulations by and between the United States and the Defendants which provide that the United States may withdraw its consent to the proposed Consent Judgments at any time before their entry by the Court. In addition, by their terms, the proposed Judgments provide for retention of jurisdiction of this action, permitting any party to apply to the Court for such orders as may be necessary or appropriate for modification of the Judgments.

As provided by the Antitrust Procedures and Penalties Act, any person who wishes to comment upon the proposed Final Judgments may submit written comments to Elliott M. Seiden, Chief, Transportation Section, Department of Justice Antitrust Division, Washington, D.C. 20530, within the 60-day period provided by the Act. These comments and the responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice to determine if there is any reason for withdrawal of its consent to or for modification of the proposed Final Judgments.

VI

ALTERNATIVES TO THE PROPOSED FINAL JUDGMENTS

The relief provided for in the proposed Consent Judgments is essentially that sought by the United States in instituting this lawsuit. In negotiating these decrees, the United States originally sought in Section IV of both Judgments to enjoin the Defendants from discussing, negotiating, or exchanging any information with any air carrier regarding any fare level or tariff condition for international air transportation unless within the scope of a CAB order authorizing such conduct. This provision was deleted during negotiations. Defendants claimed that the provision was overbroad and inappropriate. There was also concern that the provision might unduly discourage legitimate business communications within this regulated industry. Ultimately, the Department determined that the public was adequately protected by the prohibition against intercarrier agreements not approved by the CAB, because under that prohibition no price-fixing agreement flowing from such discussion could lawfully be implemented without prior CAB approval.

Originally, the United States planned to enter only one Final Judgment which would include all Defendants. However, it was persuaded that certain problems unique to Defendant Lufthansa made it more feasible to deal with the foreign air carrier separately from the domestic air carriers, although the two decrees are, except in the following respects, identical. Section III of the Lufthansa Judgment does not make the proposed Judgment applicable to subsidiaries, although it is applicable to other named persons and entities related to that Defendant. "Subsidiaries" was not included because Lufthansa contended that a law of the FRG prohibited a parent company from consenting to any action which would be inconsistent with the best interests of its subsidiary. According to Lufthansa, such harm would result if it signed a decree binding Condor, its subsidiary corporation involved in charter airline operations, subjecting Condor not only to usual antitrust liability, but also to potential contempt liability for violation of the decree. Because the United States had no evidence that Condor had engaged in the illegal activity which prompted the institution of the criminal and civil cases, the United States concluded that no valid prosecutorial purpose would be served by attempting to subject Condor to the decree by possibly placing Lufthansa in direct violation of German Law. Accordingly, it excluded "subsidiaries" from Section III of the Lufthansa Judgment. In order to ensure, however, that Condor was aware of the general requirements of United States antitrust laws which are embodied in the Judgment, special obligations were imposed on Defendant Lufthansa to serve and educate its subsidiary, as earlier set forth in Section III(B) of this Competitive Impact Statement. Finally, the Department has agreed to circumscribe its enforcement power over Lufthansa in the limited circumstances where Departmental access to German personnel, records amd documents poses a direct conflict with German law.

VII

DETERMINATIVE MATERIALS

There are no materials or documents which the Government considered determinative in formulating these proposed Final Judgments. Therefore, none is being filed with this Competitive Impact Statement.

Dated: December 9, 1977.

ELLIOTT M. SEIDEN,
DAVID W. BROWN,
SUSAN L. GORNSTEIN,
KATHRYN WILLCOX TATE,
Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C.

[FR Doc. 77-36437 Filed 12-21-77; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EDUCATION PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 5, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Education Programs Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on January 4 and 5, 1978.

The purpose of the meeting is to review Pilot Program applications submitted to the National Endowment for the Humanities for projects beginning after April 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Of-

ficer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36438 Filed 12-21-77; 8:45 am]

[7536-01]

PLANNING OFFICE PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 1, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Planning Office Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the first floor conference room from 9 a.m. to 5:30 p.m. on January 12, and 13, 1978.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for projects beginning after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36439 Filed 12-21-77; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 5, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Public Programs Panel will be held at San Diego State University, San Diego, Calif., in the Presidential Suite, Aztec Center, from 9 a.m. to 5:30 p.m. on January 9 and 10, 1978.

The purpose of the meeting is to review public media applications in all of the fields of the humanities submitted to the National Endowment for the Humanities for projects beginning after March 1, 1976.

Because the proposed meetings will consider financial information and disclose information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) and 5 U.S.C. 552b(c), and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Office, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0368.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36440 Filed 12-21-77; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 5, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Houston, Tex. on January 11, 1978, from 9 a.m. to 5:30 p.m., and January 12, 1978, from 9 a.m. to 5:30 p.m., at the Houston Public Library, 500 McKinney, Houston, Tex. 77002.

The purpose of the meeting is to review applications for the development of humanities Public Program formats submitted to the National Endowment for the Humanities for projects beginning after April 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36441 Filed 12-21-77; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 8, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Public Programs Panel will be held at the Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Richmond, Va. 23221, from 9:30 a.m. to 5:30 p.m. on January 5 and 6, 1977.

The purpose of the meeting is to review Public Program applications for museum and historical organization projects which were submitted to the National Endowment for the Humanities and which will begin after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0368.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36442 Filed 12-21-77; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

DECEMBER 8, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 500, from 9:30 a.m. to 5:30 p.m. on January 9 and 10, 1977.

The purpose of the meeting is to review Public Program applications for museum and historical organization projects which were submitted to the National Endowment for the Humanities and which will begin after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chariman's Delegation of Authority to Close Advisory Committee Meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0368.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 77-36443 Filed 12-21-77; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

AD HOC SUBCOMMITTEE ON SEATAR PROJECT REVIEW

Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Ad Hoc Subcommittee on SEATAR Project of the Advisory Committee for Ocean Sciences.

DATE AND TIME: Jan. 12 and 13, 1978: 0900.

PLACE: Scripps Institute of Oceanography, LaJolla, California.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Mr. Feenan D. Jennings, head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7356.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in programs of IDOE.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: December 19, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc. 77-36528 Filed 12-21-77; 8:45 am]

[7555-01]

SUBCOMMITTEE ON ECOLOGICAL SCIENCES

Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.

DATE AND TIME: January 19 and 20, 1978; 8:30 a.m. to 5 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. Robert P. McIntosh, Program Director, Ecology Program, room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-632-27324.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in ecological sciences.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: December 19, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc. 77-36529 Filed 12-21-77; 8:45 am]

[7555-01]

TASK GROUP NO. 1 OF THE NSF ADVISORY COUNCIL

Notice of Cancelled Meeting

Task Group No. 1 of the NSF Advisory Council had scheduled a meeting for January 6, 1978, in Washington, D.C. This meeting has been cancelled. The notice announcing this meeting appeared at 42 FR 63490, on Friday, December 16.

M. REBECCA WINKLER,
Acting Committee Management Officer.

DECEMBER 19, 1977.

[FR Doc. 77-36530 Filed 12-21-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

DETROIT EDISON CO.

Request for Suspension and Revocation of Construction Permit No. CPPR-87 and Assessment of Civil Penalties

Notice is hereby given that by petition dated November 19, 1977, Dr. Robert G. Asperger filed a request for immediate suspension and subsequent revocation of Construction Permit No. CPPR-87 and assessment of civil penalties. The requested order would be issued to Detroit Edison Co. for the Enrico Fermi Atomic Power Plant, Unit 2. In accordance with the proce-

dures specified in 10 CFR § 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Local Public Document Room at the Monroe Country Library, Reference Department, 3700 South Custer Road, Monroe, Mich. 48161.

Dated at Bethesda, Md., this 14th day of December 1977.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 77-36423 Filed 12-21-77; 8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1)

Notice and Order Scheduling Special Prehearing Conference; Amendment to License No. DPR-22 (Increase Spent Fuel Storage Capacity)

The Atomic Safety and Licensing Board (Board), on December 13, 1977, issued a "Notice of Hearing on Amendment of Facility Operating License" which stated that a hearing will be held to consider the request of Northern States Power Co. (the Licensee), for an amendment to Provisional Operating License No. DPR-22 which currently authorizes the Licensee to possess, use, and operate the Monticello Nuclear Generating Plant located in Wright County, Minn. The proposed amendment would authorize an increase in the spent fuel storage capacity of the plant. The Notice also provided that a prehearing conference would be held by the Board to consider pertinent matters in accordance with the Commission's rules of practice.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly in accordance with 10 CFR 2.751a, a special prehearing conference shall convene at 10 a.m., local time, on Tuesday, January 31, 1978, in Courtroom No. 2 (7th Floor), The U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, Minn. 55101.

Issued at Bethesda, Md., this 15th day of December 1977.

The Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 77-36426 Filed 12-21-77; 8:45 am]

[7590-01]

[Docket Nos. 50-514; 50-515]

PORTLAND GENERAL ELECTRIC CO., ET AL. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Order Establishing Schedule for Resumption of Evidentiary Hearing

The evidentiary hearing in this matter will be resumed on Tuesday, February 14, 1978, at 9:00 a.m., local time. It will be held in the following location: U.S. Court of Appeals Courtroom, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oreg. 97204.

The hearing days are February 14, 15, and 16, and the following matters will be covered:

(1) S-3 (Fuel Cycle Rule).

(2) Environmental Effects of Coal Utilization.

(3) Costs of System for Zero-Radioactive Discharges in Liquid Form.

The Board requests the Parties to confer and agree on the order in which the above matters will be presented.

Members of the public are invited to attend but limited appearances will not be received at this session of the evidentiary hearing.

It is so ordered.

Dated at Bethesda, Md., this 15th day of December 1977.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc. 77-36424 Filed 12-21-77; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

Proposed Amendment for Fuel Storage Pool Modification, Order Relating to the Evidentiary Hearing

The evidentiary hearing will begin on January 4, 1978 at 9:30 a.m. and proceed through January 6th in the West Courtroom (6th floor), United States Courthouse, 620 Southwest Maine Street, Portland, Oreg., to receive evidence regarding application by Portland General Electric Co. for an amendment which would change the operating license to allow more spent fuel to be stored at the Trojan Nuclear Plant by modifying the storage racks in the spent fuel pool. Thereafter, the hearing will resume on January 9th at 9:30 a.m. and will proceed on week-days through January 20th in the Court of Appeals Courtroom (2nd floor) of The Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. The parties will confer, and on or before January 4, 1978 will notify the Board as to the sequence agreed upon for the presentation of evidence regarding the admitted contentions, for cross-examination, and for rebuttal, if any. However, it should be noted that at the beginning of the hearing, first the Licensee and then the Staff will present direct testimony with regard to certain issues which were set forth in Part III of the Board's Prehearing Conference Order of October 31, 1977. Further, prior to the hearing, the parties will make known to one another the identity of any exhibits that will be offered into evidence.

The public is invited to attend.

Limited appearance statements will be accepted after opening statements by the parties, if any, have been concluded. Oral statements will be limited to five (5) minutes each but written statements may be submitted without limitation on length. If the limited appearance statements cannot be completed during the first day of the hearing, thereafter, at the convenience of the Board and the parties, said statements may be presented.

It is so ordered.

Dated at Bethesda, Md., this 15th day of December 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, ESQ.,
Chairman.

[FR Doc. 77-36425 Filed 12-21-77; 8:45 am]

[7590-01]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of 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 Connecticut Yankee Atomic Power Co. The relief relates to the inservice inspection (testing) program for the Haddam Neck Plant (the facility) located in Haddam, Conn. 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 substitution of alternate inspection requirements where the inspection requirements of ASME Code, Section XI, Subsection IWB, have been determined to be impractical due to plant design, geometry, materials of construction and/or would result in high radiation exposure to operators or inspectors.

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 June 29, 1977, and (2) the Commission's letter to the licensee dated ——.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Conn. 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 14th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 77-36550 Filed 12-21-77; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-51]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Pipeline Safety Recommendation No. P-77-37.—Since the startup of the Alaska pipeline on June 20, 1977, to August 15, 1977, seven incidents and accidents have caused the pipeline to be shut down periodically. Investigation of these incidents and accidents has resulted in issuance by the National Transportation Safety Board of six recommendations to the Alyeska Pipeline Service Co.—two, Nos. P-77-16 and 17, last July 15 (42 FR 37459, July 21, 1977); three, Nos. P—77-21 through 23, on September 9 (42 FR 46425, September 15, 1977); and one, P—77-37, on December 13.

Investigation has indicated that an accident on July 8, in which Pump Station No. 8 was destroyed and one person was killed, resulted from the failure of the pump station personnel to follow Alyeska Pipeline Service Co. (Alyeska), operating procedures. Another accident on August 15, in which crude oil spilled and could have ignited in Pump Station No. 9, also resulted from the failure of pump station personnel to follow company procedures.

The unique topography of this pipeline system is such that Pump Stations Nos. 8 and 10 or Pump Stations Nos. 9 and 10 must be operating to transport the crude oil to Valdez, Alaska. If Pump Station No. 9 had been destroyed on August 15 as Pump Station No. 8 was earlier, the entire pipeline system would have been shut down indefinitely. This would have created the potential for crude oil solidification in the pipeline.

The Safety Board's first two recommendations asked Alyeska to review all pump station startup procedures for inadequacies and to designate a manager at each pump station who would require that all personnel comply with the procedures. The September 9 recommendations were intended to correct design and operating deficiencies in the pump rooms of each station.

In its response of September 16 (42 FR 54480, October 6, 1977), Alyeska indicated initiation in early July of a study of possible changes in pump control locations, carrying the study a step further to include all booster pumps and the Pump Station 5 injection pumps as well as the main line pumps. However, because of the continuing occurrence of accidents, particularly the August 15 accident at Pump Station No. 9, a critical station on this system, the Safety Board now recommends that Alyeska—

Review its training program for adequacy, reinstruct its personnel in the procedures contained therein, and monitor the employees to assure their compliance with the required standards of safety for pipeline operation. (P-77-37.)

Highway Safety Recommendation No. H-77-32.—In 1975 the Bureau of Motor Carrier Safety (BMCS), U.S. Department of Transportation, issued an advance notice of proposed rulemaking in response to a petition by the Sangamo Electric Co., a tachograph manufacturer, concerning installation of tachographs in interstate buses.

In support of its petition, Sangamo cited 1971 through 1972 BMCS statistics on some Class I common and contract carriers that used tachographs and some that did not. The users had an accident rate of 1.93 per million miles of intercity operations, a fatality rate of 7.23 per 100 million miles of operations, a bodily injury rate of 1.03 per million miles, and an average of $4,716 in property damage per million miles. In contrast, statistics of the nonusers showed 2.42 accidents per million miles of operation, 8.34 fatalities per 100 million miles of operation, 1.15 bodily injuries per million miles, and an average of $5,699 in property damage per million miles.

BMCS withdrew the proposed rule in 1976, thus denying the Sangamo petition. In rejecting the petition, BMCS cited industry data which indicated that the use of tachographs does not reduce the accident rate. Greyhound Lines, Inc., and the American Trucking Associations, Inc., supplied backup information upon which BMCS based its conclusion that "factors other than use of tachographs can result in a good safety record."

The Safety Board has investigated seven commercial vehicle accidents in which the vehicles involved had been traveling either at speeds considered too fast for conditions, or in excess of the legal limit. In one accident investigated by the Board, at Seattle, Wash., the driver alleged that his speed had been 45 mph, whereas the tachograph record indicated that the speed had been 52 mph. The tachograph record made it possible to show that the vehicle's actual speed, only 2 mph above the posted speed, did not permit safe negotiation of this particular curve when the pavement was wet.

In denying Sangamo's petition, BMCS chose to cite industry statistics which indicated that use of tachographs does not reduce the accident rate. BMCS apparently did not consider its own statistics which indicate that the use of tachographs might be significant. Further, no comparisons were made of types of vehicles, loads and weight distribution, or weather and road conditions. Therefore, on December 16 the Safety Board recommended that BMCS—

Conduct scientifically controlled studies to determine the effects and merits of the use of tachographs on commerial vehicles in reducing accidents. (H-77-32.)

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-77-65 through 67.—Federal Aviation Administration's letter of November 28 is in answer to recommendations, involving dissemination and use of meteorological information, which were issued as a result of investigation into the crash last April 4 of a Southern Airways DC-9-31 at New Hope, Ga. (See 42 FR 54479, October 6, 1977.)

In answer to recommendation A-77-65, which asked FAA to transmit SIGMET's more frequently on NAVAID's so that pilots can receive more timely

information about hazardous weather. FAA reports actions taken to provide enhanced dissemination of SIGMET's, Severe Thunderstorm Watch Bulletins, and Tornado Watch Bulletins. Prior to the Southern Airways accident, FAA had acted to have both centers and towers broadcast receipt of all SIGMET's, identifying the area and alerting pilots to potentially adverse conditions, and enabling the pilot to call Flight Standards Service for complete information.

While FAA does not now have equipment to broadcast SIGMET's automatically, as the FSS Modernization program develops and new equipment is placed in service, FAA should be able to provide a continuous broadcast of advisories through automated methods, the November 28 response indicates.

FAA also reports issuance in May 1977 of a revision to the priority of duties for FSS specialists. This revision elevated notification actions to other Air Traffic facilities by FSS and in FSS broadcasts of SIGMENT's and AIRMET's. Required notifications now are only ranked after emergency actions and NAVAID malfunctioning requirements. Broadcast of SIGMET's and AIRMET's now are ranked only below services to airborne aircraft (other than above actions). This provided for dissemination of vital information to pilots and controllers in a more timely and effective manner.

Recommendation A-77-66 asked FAA to code, according to geographic applicability, Severe Thunderstorm Watch Bulletins and Tornado Watch Bulletins issued by the National Severe Storms Forecast Center for transmission to appropriate air traffic control facilities by the FAA Weather Message Switching Center so that air traffic control facilities can relay the earliest warning of severe weather to flightcrews. In response, FAA notes that in June 1977 it proposed to the National Weather Service that Severe Weather Forecasts of Bulletins (WW's), be implemented for aviation use. In reply, National Weather Service on September 19 outlined a separate aviation severe local storm watch for Service A that would be distributed geographically according to States by the FAA Weather Message Switching Center. This proposed format appears to meet the needs of the pilot and the FAA. The product should be available early in 1978.

In response to A-77-67, which recommended that FAA require that each air traffic control facility depict on the map portion of its radar displays those airports immediately outside of that facility's jurisdiction to the extent that adjacent facilities depict those airports on their displays, FAA reports that it is now exploring the feasibility of the following methods for display of emergency airports: (1) Display all airports with approved approaches within the display area, either by automated or mechanical/electrical means; and (2) in NAS Stage A, place the display of all airports not required for normal operations on a separate filter key. These airports could then be brought up for display in emergency situations by depressing this key.

Highway: H-76-4.—Letter of December 5 from the National Highway Traffic Safety Administration is in response to the Safety Board's November 4 inquiry (42 FR 60238, November 25, 1977), reference NHTSA's schedule for addressing the development and use of probationary licensing for young novice drivers.

NHTSA reports that the feasibility study was completed, and States were solicited for proposals in response to an FY 1977 demonstration project work statement. Only two proposals were received from the States (New Jersey and Maryland). Following extensive negotiation with both jurisdictions, the Maryland proposal was accepted contingent upon passage of an enabling act at the next (1978), legislative session. Planning funds have been provided to Maryland in the interim. Also, limited evaluation funds are being provided to New Jersey to determine the effect of laws recently adopted in that State that deal with young novice drivers. If Maryland is able to achieve the planned legislation, the demonstration project will begin in earnest in that State in 1978, NHTSA reports.

As to the recommended development of a provisional licensing model for incorporation into the driver licensing standard, NHTSA notes that the Highway Safety Program Standards (HSPS), are under evaluation and may be vastly revised by the time this demonstration project is completed. However, as positive results are identified under this project they will be presented to the States and, if appropriate at that time, will be made a part of the HSPS program.

Attached to NHTSA's letter is a copy of the final report which serves as the basis for a demonstration project for the provisional licensing of young novice drivers. The objective would be to ease the youthful new driver into the driving environment through controlled exposure to progressively more difficult driving experiences, thereby reducing the number of automobile accidents and traffic violations by young novice drivers.

Marine: M-77-32.—Letter of December 6 from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, is in response to a recommendation issued by the Safety Board following investigation of the sinking on September 13, 1976, of the charter fishing boat PEARL-C on the Columbia River Bar near Astoria, Oreg. The recommendation asked NOAA to develop an oceanographic measurement system to measure, process, and report those sea conditions which are important to the safe navigation of boats crossing the Columbia River Bar. (See 42 FR 57577, November 3, 1977.)

NOAA's initial reaction is that an effective system can be provided. NOAA's Office of Ocean Engineering and other NOAA loaboratories are now developing measuring equipment for this application. A fully operational system must include analyses, forecasts, and dissemination as well as observations, NOAA stated. Any action taken regarding such a system would depend on availability of funds.

Pipeline: P-72-52.—Letter of December 5 from the National Science Foundation is in response to the Safety Board's request of November 2 (42 FR 60238, November 25, 1977) that the Foundation study the flow of natural gas through various basement wall materials and the sealing of entry points of gas pipes.

NSF states that it is not authorized to support development activity but can support applied research activities. The particular problem of flow of natural gas through basement walls appears to require development activities for further improvement rather than basic or applied research. NSA suggests that this might be most appropriate for a gas association or for gas companies to investigate or for a mission agency, such as the Safety Board, to support. NSF depends primarily upon unsolicited proposals to identify specific research problems and projects for potential support and has not received research support requests in this particular research area in the past several years.

Railroad: R-76-42 through 44.—The Greater Cleveland Regional Transit Authority on November 21 replied to the Safety Board's inquiry of November 8 (42 FR 60240, November 25, 1977) regarding automatic train control or cab signals. The transit authority reports that it has—

Installed cab signal testing loops in the existing storage loops in the existing storage yards at Windermere and Brookpark. In addition, GCRTA has on order from General Railway Signal Co. test facilities for the Windermere and Airport terminals, these to be installed as soon as possible after delivery. This will prohibit trains from departing from a yard or terminal with inoperative train control or cab signals. (Reference recommendation R-76-42.)

A procedure has been developed to discharge passengers and remove trains from service immediately if they develop automatic train control or cab signal problems while en route. (R-76-43.)

Train to tower control Supervisor radio communications are also monitored by the traffic control center to insure dependable

operational control and to provide additional assistance in emergencies. Also LPL type land phones are available at all interlocking areas. (R-76-44.)

Railroad: R-76-48 and 49.—Letter of November 28 from the Connecticut Department of Transportation is in response to the Safety Board's inquiry of November 15 (42 FR 62054, December 8, 1977). The Department reports that at its direction, Conrail has conducted safety demonstration classes for police, fire, and emergency rescue crews of the various towns along the New Haven Line; 29 classes were conducted on 17 dates between September 18, 1976, and December 4, 1976. Thirty-six organizations were represented by 450 of their personnel and an additional class was held last March 19 for trainees attending the State of Connecticut's Fire Training Program. Conrail is currently checking with the various organizations on the need for a refresher class due to personnel changes. Classes were held on October 18, November 19, 20 and 26, 1977, and five more are scheduled for December 1977.

The Department also reports that Louis T. Klauder and Associates recommended a ring-head turn screw be installed on the access panels to the emergency door operating handles. A sketch of the ring-head turn screws which eliminate the need for a coin or any other device to open this panel is attached to the Department's letter. Both the Department and the Metropolitan Transportation Authority approved the recommendation. These screws are now being installed on M-2 cars during the monthly inspection and all in-service cars will be completed by the end of November, the Department stated.

Railroad: R-77-20 through 23.—Letter dated November 18 from the Greater Cleveland Regional Transit Authority is an initial response to recommendations issued following investigation into the August 18, 1976, rear end collission in Cleveland, Ohio, of two trains operated by GCRTA. (See 42 FR 42934, August 25, 1977.)

In response to recommendation R-77-20, GCRTA has (1) developed a set of operating rules which are in draft form and which will be printed and implemented within 60 days, (2) developed an outline of the basic operator training procedures along with a schedule of the succeeding reviews and an annual reexamination to keep current with rule requirements, and (3) implemented a system of supervision which will enforce the rules through proficiency testing which will provide efficient operation.

In response to R-77-21, GCRTA reports that trains now operate on an absolute block. When it becomes necessary to enter an occupied block, in an emergency, permission must be received from the tower control supervisor. In response to R-77-22, GCRTA reports that to insure that general orders and bulletins are read and understood, operators must sign the bulletins. Test facilities are now in operation at the Windermere and Brookpark yards to insure predeparture tests of ATC, cab signals, before trains enter mainline service. This will be expanded with the installation of testing equipment, which is on order, to be installed at the Windermere and Airport terminals where cars are disconnected from multicar trains to be used as single-unit trains. The defect card now in use does provide a record for the operator to indicate when inspections and repairs were made, GCRTA stated.

NOTE.—The above notice consists of summaries of Safety Board recommendations made available, and recommendation response letters received, during the past week. The safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries 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.

DECEMBER 19, 1977.

[FR Doc. 77-36556 Filed 12-21-77; 8:45 am]

[3160-03]

OFFICE OF TELECOMMUNICATIONS POLICY

Executive Office of the President

ELECTROMAGNETIC RADIATION ADVISORY COUNCIL

Notice of Report

Notice is hereby given that the report of the August 4, 1976, meeting of the Electromagnetic Radiation Advisory Council has been filed with the Library of Congress, Exchange and Gift Division, Federal Documents Section. The report is also available for inspection at the Office of Telecommunications Policy, 1800 G Street NW., Washington, D.C. 20504.

L. DANIEL O'NEILL,
Advisory Committee Management Officer.

[FR Doc. 77-36449 Filed 12-21-77; 8:45 am]

[8410-01]

OHIO RIVER BASIN COMMISSION

KANAWHA RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Adopted Plan

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin commission has adopted the Kanawha River Basin Comprehensive Coordinated Joint Plan for transmittal to the President and the Congress through the Water Resources Council.

Copies are available on request to the Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc. 77-36447 Filed 12-21-77; 8:45 am]

[8410-01]

SCIOTO RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Adopted Plan

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has adopted the Scioto River Basin Comprehensive Coordinated Joint Plan for transmittal to the President and the Congress through the Water Resources Council.

Copies are available on request to the Ohio River Basin Commission, 36 West Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc. 77-36448 Filed 12-21-77; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5889; 34-14268; S7-734]

EXAMINATION OF EFFECTS OF RULES AND REGULATIONS ON ABILITY OF SMALL BUSINESSES TO RAISE CAPITAL AND IMPACT ON SMALL BUSINESSES OF DISCLOSURE REQUIREMENTS UNDER SECURITIES ACTS

The Securities and Exchange Commission today announced that it will hold public hearings concerning the effects of its rules and regulations on the ability of small businesses to raise capital and the impact on small businesses of the disclosure requirements promulgated under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). The hearings, which are tentatively scheduled to commence in March 1978, are

for the purpose of giving the Commission the benefits of the views of interested members of the public with respect to these matters. At the conclusion of the hearings, the Commission will determine whether it is necessary or appropriate in the public interest or for the protection of investors to propose amendments to its rules and regulations or to recommend legislation to Congress.

Hearings will be held at the Commission's principal offices in Washington, D.C., and an undetermined number of its regional offices. A release listing the locations, dates, and times for the hearings will be issued at a later date. A further release specifying issues to be considered at the hearings and inviting oral and written statements will be published in early 1978. At such time the Commission also will issue an order for hearings establishing the procedures to be followed.

For further information contact: Paul A. Belvin or John A. Granda, 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.

All written communications should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Such communications should refer to File No. S7-734, and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 14, 1977.

[FR Doc. 77-36486 Filed 12-21-77; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-7/146]

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

Announcements of Meetings

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Folk Music and Jazz has scheduled a meeting to be held on Tuesday, January 17, 1978, in Room 507 at State Annex 2, Department of State, 515 22d Street NW., Washington, D.C. The meeting hours will be from 9:45 to 12:30 p.m., and from 2 p.m. to 5:30 p.m.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the folk music, jazz, and popular music field sponsored by the Department of State; and

(3) Evaluation of tapes and records of folk, jazz, popular, blues, and rock music groups planning tours abroad, and groups in those fields wish to be considered as candidates for grants, sponsorship, or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before January 16; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

Dated: December 14, 1977.

PAUL E. WHEELER,
Director, Office of International Arts Affairs.

[FR Doc. 77-36444 Filed 12-21-77; 8:45 am]

[4710-02]

Agency for International Development

[Redelegation of Authority No. 99.1.94]

AID AFFAIRS OFFICE, NIGERIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Affairs Officer, Nigeria, the authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent; and

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole or inpart, by said AID Officer at his discretion to the person or persons designated by the AID Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer for AID Programs, or until the redelegation is revoked by the AID Officer, whichever shall first occur. The authority so redelegated by the AID Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the AID Affairs Officer in an acting capacity.

Redelegation of authority No. 99.1.27 (38 FR 29097) dated September 21, 1973, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by actions of the Officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegation hereunder heretofore taken by officials designated in such delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: November 22, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc. 77-36527 Filed 12-21-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.92]

AID AFFAIRS OFFICE, U.S. EMBASSY, BRASILIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Affairs Officer, Brazil, the authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent; and

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole or

in part, by said AID Officer at his discretion to the person or persons designated by the AID Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Officer, whichever shall first occur. The authority so redelegated by the AID Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the AID Affairs Officer in an acting capacity.

Redelegation of Authority No. 99.1.79 (41 FR 34796) dated August 9, 1976, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by actions of the officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegation hereunder heretofore taken by officials designated in such delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority shall be effective October 1, 1977.

Dated: November 7, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 77-36523 Filed 12-21-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.93]

AID REPRESENTATIVE, SRI LANKA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, Sri Lanka, the authority to sign:

1. U.S. Government contracts, grants or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent; and

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Representative at his discretion to the person or persons designated by the AID Representative as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the AID Representative in an acting capacity.

This redelegation of authority is effective immediately.

Dated: November 22, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 77-36521 Filed 12-22-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 111-1.1 (Revised)]

DEPUTY ASSISTANT SECRETARY OF STATE FOR FOREIGN BUILDINGS REGARDING CAIRO, EGYPT

Pursuant to the Authority delegated to me by Redelegation of Authority No. 111-1 dated April 21, 1964 (29 FR 5354), as amended, and the provisions of section 636(a)(10) of the Foreign Assistance Act of 1961, as amended, I hereby redelegate to the Deputy Assistant Secretary of State for Foreign Buildings, as agent for AID, authority to lease, purchase, renovate and funish housing and office space in Cairo, Egypt, as may be required in support of the USAID Egypt Mission, as determined in consultation with the USAID Mission, and subject to the availability of funds under the provisions of the Foreign Assistance and Related Programs Appropriations Act, 1978, and allotments from AID operating expense funds. This delegation is subject to the provisions of all other applicable laws and regulations, including a contract dollar limitation of $25,000 per transaction without prior separate authorization of the undersigned.

This redelegation of authority supplements the functions authorized under provisions of 66 Stat. 140 (22 U.S.C. 297), an amendment to the Foreign Service Buildings Act of 1926, and is executed in compliance with provisions of the foreign Assistance and Related Programs Appropriations Act, 1978.

The authority delegated herein may be redelegated as necessary to implement the program at post in accordance with FBO administrative procedures.

The redelegation of authority shall be effective immediately and shall remain in effect only through September 30, 1978.

Dated: November 4, 1977.

SAM C. THORNBURG,
Director, Office of Management Operations.

[FR Doc. 77-36522 Filed 12-21-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.28, Amdt. No. 1]

MISSION DIRECTOR, USAID/ETHIOPIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.28 dated September 21, 1973 (38 FR 29096 and 29097) as follows:

1. The first paragraph is hereby amended to reflect the following changes: a. The last two words in the first paragraph are deleted, i.e. "and approve."

b. Subhead 1. is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent."

c. Subhead 2. is revised to read as follows: "2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified

and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: November 2, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 77-36525 Filed 12-21-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.52, Amdt. No. 1]

MISSION DIRECTOR, USAID/KENYA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.52 dated September 21, 1973 (38 FR 29095 and 29096) as follows:

1. The first paragraph is hereby amended to reflect the following changes: a. The last two words in the first paragraph are deleted, i.e. "and approve."

b. Subhead 1. is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto provided that the aggregate amount of each individual contract of grant does not exceed $50,000 or local currency equivalent."

c. Subhead 2. is revised to read as follows: "2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent.

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: November 2, 1977.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 77-36524 Filed 12-21-77; 8:45 am]

[4710-02]

MISSION DIRECTOR, USAID, THAILAND

Redelegation of Authority

Pursuant to the authority delegated to me by AID Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Thailand, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act or predecessor legislation, including the following:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute, and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Thailand.

This Redelegation of Authority is effective immediately.

Dated: November 15, 1977.

JOHN H. SULLIVAN,
Assistant Administrator
Bureau for Asia.

[FR Doc. 77-36520 Filed 12-21-77; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.54, Amdt. No. 1]

MISSION DIRECTOR, USAID/ZAIRE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.54, dated September 21, 1973 (38 FR 29096), as follows:

1. The first paragraph is hereby amended to reflect the following changes:

(a) The last two words in the first paragraph are deleted, i.e. "and approve."

(b) Subhead 1. is revised to read as follows: "1. U.S. Government contracts, grants, and amendments thereto provided that the aggregrate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent."

(c) Subhead 2. is revised to read as follows: "2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent."

2. The third paragraph is revised to read as follows: "The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: November 2, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc. 77-36526 Filed 12-21-77 8:45 am]

[8120-01]

TENNESSEE VALLEY AUTHORITY

PRIVACY ACT OF 1974

Systems of Records

ACTION: Adoption of routine uses.

SUMMARY: TVA adopts revised routine uses for systems TVA—1, Apprentice Training Record System; and TVA-29, Electricity Use, Rate and Service Study Records.

DATES: This notice is effective December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Sue E. Wallace, Division of Personnel, Tennessee Valley Authority, Knoxville, Tenn. 37902 (615-632-3304).

SUPPLEMENT ARY INFORMATION: On Thursady, October 27, 1977, the Tennessee Valley Authority published in the FEDERAL REGISTER, two proposed revisions to the routine uses in TVA's annual Notice of Systems of Records. An opportunity for the public to comment on the proposed routine uses was given. No comment was received and the routine uses are adopted as proposed.

The first routine use for system TVA-1, Apprentice Training Record System, is revised to allow release of information from TVA's apprentice training records to all state agencies which have an interest in the progress of employees through the apprentice program. The Veterans' Administration has delegated some of its responsibilities in monitoring the apprentice program to state agencies and the revised routine use will permit TVA to release the same kinds of information given to the Veterans' Administration to those state agencies having the new responsibilities.

TVA is also revising the routine use for system TVA-29, Electricity Use, Rate, and Service Study Records, to make clear that more than one distributor, as well as contractors, may be participating in a particular study.

Dated: December 15, 1977.

LYNN SEEBER,
General Manager.

In FR Doc. No. 77-27846 appearing at pages 48230-48244 in the FEDERAL REGISTER of September 22, 1977, the following revisions are made:

1. On page 48231, the first routine use in the routine use paragraph of system TVA-1 (Apprentice Training Record System—TVA) which reads:

"To the Bureau of Apprenticeship and Training, the Veterans' Administration, Tennessee Valley Trades and Labor Council, and the Tennessee Department of Education for reporting and evaluation purposes" is revised to read: "To the Bureau of Apprenticeship and Training, the Veterans' Administration, Tennessee Valley Trades and Labor Council and state and local government agencies for reporting and evaluation purposes."

On page 48244, the routine use in the routine use paragraph of system TVA-29 (Electricity Use, Rate, and Service Study Records—TVA) which reads:

"To the distributor assisting TVA in the survey to enable employees of the distributor to help TVA with the survey program" is revised to read: "To distributors or contractors assisting TVA in the study."

[FR Doc. 77-36534 Filed 12-21-77; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held January 10 through January 12, 1978, from 9 a.m. e.d.t. to 4 p.m. daily, in conference rooms 7A and B at FAA Headquarters, 800 Independence Ave. SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave. SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on December 20, 1977.

F. L. CUNNINGHAM,
Executive Director, ATPAC.

[FR Doc. 77-36628 Filed 12-21-77; 8:45 am]

[4910-13]

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Re-Establishment

Notice is hereby given that the Air Traffic Procedures Advisory Committee is being re-established. The normal requirement for waiting 15 days before filing the new charter has been waived by authority of the General Services Administrator, under Section A of OMB Circular A-63. The Administrator, Federal Aviation Administration is the sponsor of the Committee, which consists of 16 experts on air traffic control procedures. The Committee reviews present air traffic control procedures and practices and makes recommendations to the Administrator for the standardization, clarification, and upgrading of terminology and procedures. The functions of the Committee are solely advisory.

The Secretary of Transportation has determined that the re-establishment and existence of the Air Traffic Procedures Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on December 20, 1977.

GEORGE W. HARVEY,
Acting Executive Director, Air Traffic Procedures Advisory Committee.

FR Doc. 77-36629 Filed 12-21-77; 8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 135—ENVIRONMENTAL CONDITIONS AND TEST PROCEDURES FOR ELECTRONIC/ELECTRICAL EQUIPMENT AND INSTRUMENTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Electronic/Electrical Equipment and Instruments to be held January 17-18, 1978, in RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Review Terms of Reference and Establish Guidelines and Limits

for Committee Activities; (2) identify Parts of RTCA Document DO-160 "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" Requiring Revision; (3) Establish Work Program and Time for Accomplishments; and (4) Assignment of Tasks.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on December 16, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 77-36591 Filed 12-21-77; 8:45 am]

[4910-22]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671 the Federal Highway Administration (FHWA), announces the meeting dates and relevant information for the annual meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held January 12-13, 1978, at the Sheraton-Park Hotel, Washington, D.C. Subcommittee meetings will be held January 12 from 8 a.m. to 5 p.m., and the full Committee will convene at 8 a.m. Friday, January 13.

Attendance by the public will be limited to space available. For further information contact the Office of Traffic Operations, Federal Highway Administration, Washington, D.C. 20590, Code 202-426-0411.

Purpose.—This Committee reviews currently approved standards, guides, and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standards for all classes of highways. Recommendations on revisions and proposed new standards to meet new developments and improvements are developed as needed.

Agenda.—Agenda items will include recommendations relative to proposed additions to or revisions in traffic control device standards prepared by the technical subcommittees on signs, signals, markings, traffic controls for construction and maintenance areas, bicycle facilities, and grade crossings as advice to the FHWA in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a). A revised edition of the Manual on Uniform Traffic Control Devices containing changes approved since distribution of this standards document in 1971 is currently being developed by FHWA with recommendations from the National Advisory Committee.

JAMES J. CROWLEY,
Director, Office of Traffic Operations, Federal Highway Administration.

[FR Doc. 77-36557 Filed 12-21-77; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. LVM 77-01; Notice 1]

AVANTI MOTOR CORP.

Petition for Exemption from Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of receipt of a petition for exemption from average fuel economy standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition submitted by Avanti Motor Corp. (Avanti), requesting that the NHTSA exempt passenger automobiles produced by Aventi during the 1978-80 model years from the generally applicable passenger automobile average fuel economy standards for those model years and establish lower, alternative standards for those vehicles. In accordance with agency procedures, this notice summarizes the Aventi petition, describes the options available to the NHTSA regarding the petition, and invites written public comment thereon.

COMMENT CLOSING DATE: January 18, 1978.

ADDRESS: Comments on the Aventi petition should refer to docket No. LVM 77-01 and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Roy Denison, Office of Automotive Fuel Economy, National Highway Traffic Safety Administration, 400 7th Street SW., Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Part A of Title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act") by adding a new Title V. That title requires the Secretary of Transportation to implement and administer a program for improving the average fuel economy of new automobiles sold in the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA; 41 FR 25015, June 22, 1976.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles which are set for 1978 at 18.0 miles per gallon and steadily rise to a level of 27.5 miles per gallon for 1985 and thereafter. Under 49 CFR Part 523, Vehicle Classification, published at 42 FR 38362, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sports cars.

Section 502(c) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low volume manufacturer, and if the NHTSA establishes an alternative standard for the low volume manufacturer at the manufacturer's maximum feasible level. A low volume manufacturer under the Act is one which manufactures (within or without the United States) fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), and which manufacturered fewer than 10,000 passenger automobiles in the second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by the Act to consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

Part 525 of title 49, Code of Federal Regulations, establishes the format and content requirements for petitions requesting exemption from the generally applicable passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions (42 FR 38374, July 28, 1977). Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition for exemption and summarizing the content of that petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or other exercise of

judgment concerning the merits of Avanti's petition.

AVANTI'S PETITION

Avanti, which is not controlled by or under common control with any other manufacturer of automobiles, produces only one vehicle configuration, the Avanti II. A vehicle configuration is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine, emissions control system, transmission type (e.g., manual, automatic, or semi-automatic), and axle ratio. This description of a vehicle configuration is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR § 600.002-77(a)(24). Avanti's one configuration meets the 1978 emissions standards for California, and so can be offered for sale in all 50 states. The average Avanti II sells for approximately $16,000, and is said by Avanti to be comparable by reason of price, quality, hand-assembled workmanship, and advanced styling to Cadillac, Mercedes-Benz, Jaguar, Lincoln Continental, and the Chrysler New Yorker. Avanti purchases its engines and transmissions from General Motors, and produces the rest of the automobile itself.

Avanti's annual production has been about 150 automobiles for each of the last 4 years. Avanti anticipates producing 180 automobiles in the 1978 model year. The fuel economy values for Avanti's 1977 automobiles were 13.8 mpg in the city and 18.5 mpg on the highway. The combined city/highway fuel economy and fleet average fuel company were 15.6 mpg. To reach this average fuel economy level, Avanti's most notable efforts in the past have been the use of a fiberglass body to reduce the total weight of the automobile, a reduction of the cubic inch displacement of the engine from 400 to 350, and a reduction of the axle ratio from 3.54 to 3.07. Avanti began its 1978 model year production in October.

Avanti argues that its maximum feasible average fuel economy for 1978 is 15.6 mpg, the same average fuel economy level as it achieved in the 1977 model year. Avanti emphasized that its configuration competes with certain other luxury passenger automobiles, listed above. Within that group of passenger automobiles, Avanti's 1977 fuel economy was as good as any other car and better than most. Avanti points out that the larger manufacturers can produce relatively fuel inefficient automobiles in this group and still comply with the applicable fuel economy standard by offsetting these automobiles with other more fuel efficient automobiles which they produce. Avanti can not engage in this averaging, since it produces only one vehicle configuration.

For 1978, the General Motors engine and transmission used by Avanti will be technologically unchanged from 1977. Avanti did not order a smaller engine or reduce its rear axle ratio for 1978, since either of these steps would have reduced the Avanti II's performance to a level lower than that of any of its principal competitors. Avanti has indicated that it will take both of these steps when its competitors do so and if it can obtain the components.

Avanti's petition for exemption also requested an exemption for the 1979 and 1980 model years. However, Avanti's petition and supplementary filing do not contain sufficient information to permit the NHTSA to assess Avanti's maximum feasible average fuel economy for the 1979 and 1980 model years. If Avanti corrects the deficiencies in its petition relating to those model years, the NHTSA will publish a new notice of receipt covering those model years.

NHTSA OPTIONS

The NHTSA will carefully evaluate Avanti's petition relating to the 1978 model year, all comments received thereon and other relevant information. Following this evaluation, the NHTSA could find that Avanti plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for the 1978 model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Avanti has some additional means and strategies available to it to improve its average fuel economy above the projected level for 1978, and make a determination of the maximum feasible average fuel economy that could be achieved for 1978 if those means and strategies were implemented.

If Avanti's maximum feasible average fuel economy is determined by this agency to be equal to or greater than the generally applicable standard of 18.0 mpg, Avanti's petition will be denied. If Avanti's maximum feasible average fuel economy is determined to be less than 18.0 mpg, Avanti's petition may be granted.

If Avanti's petition is granted, the NHTSA will establish an alternative average fuel economy standard applicable to Avanti. The Act permits the NHTSA to establish that standard in one of three ways: (1) a standard may be established specifically for Avanti; (2) classes, based on factors such as design or size, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

Copies of the Avanti petition, as well as supporting materials, other information, and any comments received, are available for public inspection at the address for comments provided at the beginning of this notice between 8 a.m. and 4 p.m., Monday through Friday.

Comments on the Avanti petition are invited from the public. These comments must be in writing, refer to Docket No. LVM 77-01, and be submitted to the address for comments. Comments must be limited to a total of 15 pages, although additional supporting material may be submitted as appendices or attachments. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.

Issued in Washington, D.C. on December 19, 1977.

RICHARD L. STROMBOTNE,
Program Director, Office of Automotive Fuel Economy.

[FR Doc. 77-36510 Filed 12-21-77; 8:45 am]

[4910-59]

[Docket No. LVM 77-03; Notice 1]

CHECKER MOTORS CORP.

Petition for Exemption from Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of receipt of a petition for exemption from average fuel economy standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration NHTSA), of a petition submitted by Checker Motors Corp. (Checker), requesting that the NHTSA exempt the passenger automobiles produced by Checker during the 1978-1980 model years from the generally applicable passenger automobile average fuel economy standards for those model years and establish lower, alternative standards for those vehicles. In accordance with agency procedures, this notice summarizes the contents of Checker's petition, describes the options available to the NHTSA regarding the petition, and invites written public comment thereon.

COMMENT CLOSING DATE: January 18, 1978.

ADDRESS: Comments on the Checker petition should refer to Docket No. LVM 77-03 and should be submitted to: Docket Section, National Highway Traffic Administration, Room 5108, 400 7th Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Part A of title III of the Energy Policy and Conservation Act (Pub. L. 94-163), amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act"), by adding a new Title V. That title requires the Secretary of Transportation to implement and administer a program for improving the average fuel economy of new automobiles sold in the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA; 41 FR 25015, June 22, 1976.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles at 18.0 miles per gallon (mpg), for 1978, 19.0 mpg for 1979, and 20.0 mpg for 1980. They then steadily rise to a level of 27.5 mpg for 1985 and thereafter. Under 49 CFR Part 523, Vehicle Classification, published at 42 FR 38362, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sports cars.

Section 502(c) of the Act provides that a low-volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low-volume manufacturer, and if the NHTSA establishes an alternative standard for the low volume manufacturer at the manufacturer's maximum feasible level. A low-volume manufacturer under the Act is one which manufactures (within or without the United States), fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), and which manufactured fewer than 10,000 passenger automobiles in the second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by the Act to consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

Part 525 of title 49, Code of Federal Regulations, establishes the format and content requirements for petitions requesting exemption from the generally applicable passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions (42 FR 38374, July 28, 1977). Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition for exemption and summarizing the content of that petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or other exercise of judgment concerning the merits of Checker's petition.

Checker's Petition

Checker is a low-volume manufacturer which produces between 5,000 and 5,500 passenger automobiles each model year. It is not controlled by or under common control with any other manufacturer of automobiles. Checker's passenger automobiles are designed primarily to serve as taxicabs and limousines. To meet the requirements of taxicab and limousine riders, Checker automobiles are designed with a flat floor in the rear compartment, chair height seats, a large interior volume, and large door openings for easy entrance and exit. According to Checker's petition, these design features limit the extent to which Checker can improve its average fuel economy by weight reduction. Further, standard equipment on Checker automobiles for the convenience of the taxi or limousine driver, i.e., automatic transmission and power brakes and steering, lower the potential fuel economy of these automobiles.

Checker will produce four base levels during the 1978-1980 model years. A base level is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine and transmission type (e.g., manual automatic, or semi-automatic). This description of a base level is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR § 600.002-77(a)(23). There will be base level A with a 6-cylinder engine built to 49-state emission standards, base level B with a 6-cylinder engine built to California emission standards, base level C with a 305 cubic inch displacement 8-cylinder engine built to 49-state emission standards, and base level D with a 350 cubic inch displacement 8-cylinder engine built to California emission standards. The combined city/highway fuel economy values for the base levels will be:

Base Level	Fuel Economy
6-cylinder Federal	18.2 mpg
6-cylinder California	15.1 mpg
8-cylinder Federal	15.4 mpg
8-cylinder California	13.9 mpg

Checker projects that the fuel economy of these base levels will remain constant during the 1978 through 1980 model years.

Based on its projected mix for the 1978 model year, which is about 60% 6-cylinder Federal, 25% 6-cylinder California, 12% 8-cylinder Federal, and 3% 8-cylinder California, Checker states that its 1978 average fuel economy will be 16.8 miles per gallon.

The New York City Taxi and Limousine Commission has set requirements that will require all new automobiles to be used as taxis or limousines in New York City to meet the applicable California emissions standards beginning with the 1978 model year. The New York City market is cruical for Checker, so it anticipates shifting its production mix in the 1979 and later model years to make more of its automobiles eligible for use in New York City as taxicabs and limousines.

Consequently, Checker projects a 1979 average fuel economy of 16.7 mpg based on a production mix of about 55% 6-cylinder Federal, 30% 6-cylinder California, 13% 8-cylinder Federal, and 2% 8-cylinder California. For 1980, Checker projects an average fuel economy of 16.5 mpg. The production mix would be 49% 6-cylinder Federal, 35% 6-cylinder California, 13% 8-cylinder Federal, and 3% 8-cylinder California.

Checker states that the fuel economy levels which it projects for the 1978-1980 model years represents its maximum feasible average fuel economy. Checker's automobiles use an engine and transmission purchased from General Motors, so technical improvements to those components by Checker are not possible.

According to Checker, its limited production makes it economically impractical for Checker to independently research and develop new technologies for use in its automobiles. Hence, the company says it must rely on outside sources making available to it such items as diesel engines, improved fuel metering systems, improved transmissions, and materials substitution. Checker says it will incorporate these items in its automobiles as soon as possible after these items become available to it.

One technological improvement on the 1978 Checker automobiles will be a reduction of the rear axle ratio on all 8-cylinder automobiles from 3.07 to 2.72. This lower ratio will be offered as an option on 6-cylinder automobiles in 1978 if emissions requirements can be met. Assuming that the emissions requirements can be met, Checker will make the 2.72 ratio standard equipment on all its 1979 automobiles. However, Checker did not factor this lower axle ratio into its projection of its 1979 and 1980 average fuel economy.

NHTSA OPTIONS

The NHTSA will carefully evaluate Checker's petition, all comments received thereon, and other available information. Following this evaluation, the NHTSA could find that Checker currently plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for each affected model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Checker has some additional means and strategies available to it to improve its average fuel economy above the projected level for one or more of the affected model years, and make a determination of the maximum feasible average fuel economy that could be achieved for each affected model year if those means and strategies were implemented.

If Checker's maximum feasible average fuel economy for any affected model year is determined by this agency to be equal to or greater than the generally applicable standard, Checker's petition will be denied for that model year. If Checker's maximum feasible average fuel economy for any affected model year is determined to be less than the generally applicable standard, Checker's petition may be granted for that model year.

If Checker's petition is granted for any affected model year, the NHTSA will establish an alternative average fuel economy standard applicable to Checker during that model year. The Act permits the NHTSA to establish that standard in one of three ways: (1) A standard may be established specifically for Checker; (2) classes, based on factors such as design or size, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

Copies of the Checker petition, as well as supporting materials, other information, and any comments received, are available for public inspection at the address for comments provided at the beginning of this notice between 8 a.m. and 4 p.m., Monday through Friday.

Comments on the Checker petition are invited from the public. These comments must be in writing, refer to Docket No. LVM 77-03, and be submitted to the address for comments. Comments must be limited to a total of 15 pages, although additional supporting material may be submitted as appendices or attachments. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.

Issued in Washington, D.C., on December 19, 1977.

RICHARD L. STROMBOTNE,
Program Director, Office of Automotive Fuel Economy.

[FR Doc. 77-36511 Filed 12-21-77; 8:45 am]

[4910-59]

[Docket No. LVM 77-02; Notice 1]

ROLLS-ROYCE MOTORS

Petition for Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of Receipt of a Petition for Exemption from Average Fuel Economy Standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition submitted by Rolls-Royce Motors Inc. (Rolls-Royce). The petition requests that the NHTSA exempt model year 1978-1980 passenger automobiles manufactured by Rolls-Royce from the generally applicable passenger automobile average fuel economy standard for those model years, and establish lower, alternative standards for those vehicles. In accordance with agency procedures, this notice summarizes the petition, describes the options available to the NHTSA in responding to the petition, and invites written public comment thereon.

COMMENT CLOSING DATE: January 18, 1977.

ADDRESS: Comments on the Rolls-Royce petition should be limited to a total of 15 pages (although additional supporting material may be submitted as appendices or attachments) and refer to docket number LVM 77-02 and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-755-9380).

SUPPLEMENTARY INFORMATION: Part A of title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act") by adding a new Title V. That title requires the Secretary of Transportation to implement and administer a program for improving the average fuel economy of new automobiles sold in the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA; 41 FR 25015, June 22, 1976.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles at 18 miles per gallon (mpg) for 1978, 19 mpg for 1979, and 20 mpg for 1980. They then steadily rise to a level of 27.5 mpg for 1985 and thereafter. Under 49 CFR Part 523, Vehicle Classification, published at 42 FR 38362, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sports cars.

Section 502(a) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low volume manufacturer, and if the NHTSA establishes an alternative standard for the low volume manufacturer at the manufacturer's maximum feasible level. A low volume manufacturer under the Act is one which manufacturers (within or without the United States) fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), on which manufacturered fewer than 10,000 passenger automobiles in the second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by the Act to consider—

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

Part 525 of title 49, Code of Federal Regulations, establishes the format and content requirements for petitions requesting exemption from the generally applicable passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions (42 FR 38374, July 28, 1977). Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition for exemption and summarizing the content of that petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or exercise other judg-

ment concerning the merits of Rolls-Royce's petition.

ROLLS-ROYCE'S PETITION

Rolls-Royce, which is not controlled by or under common control with any other manufacturer of automobiles, produces "high quality prestige cars", "concentrating upon refinement, elegance and longevity." Annual production has increased steadily from 2,760 in model year 1973 to 3,550 passenger automobiles in model year 1977.

Production for each of model years 1978, 1979 and 1980 is projected to remain at approximately the 1977 model year level. Rolls-Royce estimates that approximately 1,200 Rolls-Royce automobiles will be sold in the U.S. during each of those model years. These automobiles will consist of nine different body styles. In the 1978 and 1979 model years, these nine body styles will be grouped into two vehicle configurations. A vehicle configuration is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine, emissions control system, transmission type (e.g., manual, automatic, or semi-automatic), and axle ratio. This description of a vehicle configuration is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR § 600.002-77(a)(24). For each of these model years, the two vehicle configurations will differ only in emissions control calibration.

For model year 1980, Rolls-Royce will produce the same nine body styles, but they will be grouped into four vehicle configurations. This increase in the number of configurations will result from changes in the Environmental Protection Agency's testing procedures for passenger automobiles. Model year 1980 automobiles built to comply with California emissions standards will incorporate fuel injection and 3-way catalytic converters, while 49-state configurations will retain carburetors and oxidation catalysts. The California configurations will comprise approximately one-third of U.S. sales for each model year.

The combined city/highway fuel economy values for Rolls-Royce 1977 model year automobiles are 11.6 mpg for the 49-States configuration and 9.7 mpg for the California configuration, giving Rolls-Royce a 1977 fleet average fuel economy of 10.9 mpg.

Rolls-Royce will carry over the same configurations into the 1978 model year, and anticipates a fleet average fuel economy of 10.9 mpg.

Model year 1979, Rolls-Royces will use an engine modified to reduce emission levels. These modifications are expected by Rolls-Royce to improve the fuel economy of the California configuration by 0.4 mpg to 10.1 mpg, but reduce the fuel economy of the 49-States configuration by 0.3 mpg to 11.3 mpg. The resultant fleet average is expected to be 10.9 mpg.

Rolls-Royce anticipates that its plans to use fuel injection and a 3-way catalyst on its California configuration will improve that configuration's fuel economy by 1.0 mpg to 11.1 mpg. Rolls-Royce plans no changes for the 49-States configuration, which is expected to achieve 11.3 mpg. The anticipated fleet average fuel economy for model year 1980 is projected to be 11.2 mpg.

In addition to the fuel economy improvement measures planned for model years 1979 and 1980, Rolls-Royce indicates that it has investigated several additional means to improve its average fuel economy. Active and passive means of restricting uneconomic driving habits were tested, but resulted in only marginal differences in measured fuel economy and were "most irritating" to the driver. Preliminary tests indicated that an 18 percent reduction in gross vehicle weight would yield a 14 percent increase in average fuel economy, but Rolls-Royce states that it is unable to achieve any significant reduction in vehicle weight until it totally redesigns its vehicles. This step is not planned during the affected model years. Rolls-Royce noted that it already makes what it regards as extensive use of aluminum in its automobiles, because it uses aluminum for unstressed panels in the doors, the hood, and the trunk and in major castings including the engine crankcase, cylinder heads, induction manifold and beams in the energy absorbing bumpers. It believes that any move to reduce the size of its vehicles which are currently classed by the Environmental Protection Agency as compacts based on their interior size, would meet with strong customer resistance.

Rolls-Royce states that it has examined several different engines for its vehicles. The Texaco Controlled Combustion System and the Honda Compound Vortex Controlled Combustion (CVCC) engines failed to yield fuel economy results satisfactory to Rolls-Royce and use of the diesel engine was rejected because of noise and odor considerations. Reduction of the rear axle ratio from 3.08 to 2.69 was found to produce significant fuel economy improvement, but with significant transmission slip at low speeds and in city traffic.

Rolls-Royce states that Federal emissions standards will significantly impact its average fuel economy. For example, cars built to 1977 California emissions standards achieve 28 percent poorer fuel economy than cars built to 1977 European emissions specifications. Rolls-Royce also claims that Federal safety standards will have an adverse impact on average fuel economy because they result in vehicle weight that would otherwise not be present.

Finally, Rolls-Royce states that its small size and limited capital restrict the steps it can take to improve fuel economy. Rolls-Royce is essentially dependent on other manufacturers for technological developments, and must devote its resources primarily to meeting short-term regulatory requirements. Low production volume and high tooling costs make frequent major changes economically infeasible. Thus, Rolls-Royce states that most measures to improve fuel economy that it can take must be modifications of existing vehicles, rather than significant redesign.

Because of all these factors, Rolls-Royce states that its currently planned average fuel economy is its maximum feasible average fuel economy, and thus petitions the NHTSA to exempt it from the otherwise applicable average fuel economy standards and establish alternative average fuel economy standards for Rolls-Royce of 10.9 mpg for model years 1978 and 1979 and 11.2 mpg for model year 1980.

NHTSA OPTIONS

The NHTSA will carefully evaluate the Rolls-royce petition and all comments received thereon. Following this evaluation, the NHTSA could find that Rolls-Royce plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for each affected model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Rolls-Royce has some additional means and strategies available to it to improve its average fuel economy above the projected level for one or all of the affected model years, and make a determination of the maximum feasible average fuel economy that could be achieved for each affected model year if those means and strategies were implemented.

If Rolls-Royce's maximum feasible average fuel economy for any affected model year is determined by this agency to be equal to or greater than the generally applicable standard, Rolls-Royce's petition will be denied for that model year. If Rolls-Royce's maximum feasible average fuel economy for any affected model year is determined to be less than the generally applicable standard, Rolls-Royce's petition may be granted for that model year.

If Rolls-Royce's petition is granted for any affected model year, the NHTSA will establish an alternative average fuel economy standard applicable to Rolls-Royce during that

model year. The Act permits the NHTSA to establish that standard in one of three ways: (1) a standard may be established specifically for Rolls-Royce; (2) classes, based on factors such as design or size, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

Copies of the Rolls-Royce petition, except for those portions for which confidential treatment was requested, as well as supporting materials, other information, and any comments received, are available for public inspection at the address for comments provided at the beginning of this notice between 8 a.m. and 4 p.m., Monday through Friday.

Comments on the Rolls-Royce petition are invited from the public. These comments must be in writing, refer to Docket Number LVM 77-02, and be submitted to the address for comments. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.

Issued in Washington, D.C. on December 19, 1977.

RICHARD L. STROMBOTNE,
Program Director, Office of Automotive Fuel Economy.

[FR Doc. 77-36512 Filed 12-21-77; 8:45 am]

[4910-60]

Office of Pipeline Safety Operations

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Advisory Committee Meeting

The Technical Pipeline Safety Standards Committee will meet at 9 a.m. on January 17 and 18, 1978, in Conference Room 3201, 2100 Second Street, SW., (Trans Point Building), Washington, D.C.

The Committee is established under Section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673). The duties of the Committee are to review and report on the technical feasibility, reasonableness, and practicability of proposed Federal gas pipeline safety standards and amendments thereto.

The purpose of the meeting is to consider:

1. A Notice of Proposed Rulemaking (42 FR 62397, December 12, 1977) to update the existing incorporation by reference in 49 CFR Part 192 of API Standard 5LS for spiral-weld line pipe and API Standard 5LX for high-test line pipe to the 1977 editions of these documents. The 1977 editions provide for the use of Grade X-70 pipe.

2. As part of a continuing regulatory review process of 49 CFR Part 192 to determine if rule changes are necessary, the following regulations for corrosion control or other topics as indicated:

§ 192.455 (b) & (f), § 192.457(b), § 192.463(a), § 192.465 (a), (b), and (c).
§ 192.467(b), § 192.477, § 192.481, § 192.483(c), § 192.485(a).
Addition of §§ 192.465 (f) and (g) and 192.491(b) (3) and (4).
§ 192.323 (casings at railroad or highway crossings).
§ 192.353 (installation of customer meters and regulators).
Addition of § 192.107(b)(3) (use of Grade X-70 pipe).
Addition of two sections concerning master meter systems.

The meeting is open to the public. Persons desiring to attend the meeting should contact Peggy Hammond, Office of Pipeline Safety Operations, 2100 Second Street, SW., Washington, D.C. 20590, telephone 202-426-0135, prior to January 13, 1978.

This notice is issued under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).

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

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 77-36197 Filed 12-21-77; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CARBON STEEL WIRE ROD, NOT TEMPERED, NOT TREATED AND NOT PARTLY MANUFACTURED FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether carbon steel wire rod, not tempered, not treated and not partly manufactured, from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

William Trujillo, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 17, 1977, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel for Georgetown Steel Corp., and Georgetown Texas Steel Corp., indicating that carbon steel wire rod, not tempered, not treated, and not partly manufactured, from the United Kingdom, is being or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Price information in the petition relevant to sales during the spring of 1977 indicates margins of roughly 83 percent on sales compared. For establishing the fair value of the merchandise, petitioner has suggested the use of "schedule prices" notified to the Commission of the European communities for all steel producers within the Community. For present purposes, such evidence of home market pricing practices by British exporters to the United States will be accepted, although in making any Tentative or Final Determination under the Act, the best available evidence of prices actually charged in the home market, or, if applicable, third country markets, will be used.

There is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that the share of domestic consumption held by the U.S. industry has declined significantly during the first three quarters of 1977 over that held during 1976. Further there is information indicating that the share of domestic consumption held by imports from the United Kingdom has more than doubled during that same time period. At the same time prices of the subject imports have declined dramatically. The low prices of the subject imports may have depressed prices of the domestic industry, causing loss of profits by Petitioner.

In assessing the injury caused by the alleged sales at less than fair value from the United Kingdom, it has been considered appropriate to accumulate the shares of the market held by imports from the United Kingdom to those from France noted in the Trea-

sury's Antidumping Proceeding Notice in respect of such imports from France (42 FR 55858). The products in question appear to be fungible. Under such circumstances, it would be unrealistic to differentiate the alleged injury caused by imports from one country rather than another when its is the cumulative effect of all, occurring within a discrete time frame, that creates the problem.

Section 201(c)(2) of the Act, adopted as part of the Trade Act of 1974, requires the Secretary to refer a petition to the United States International Trade Commission for a Determination of whether there is "no reasonable indication" that an industry is being or is likely to be injured, if he has "substantial doubt" than imports of the subject merchandise at less than fair value are the cause of present or likely injury to an existing industry. Considering the evidence presented and available regarding imports from the United Kingdom and France, no "substantial doubt" has been determined to exist.

Having conducted a preliminary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a resusit thereof that there grounds for so doing, the U.S. Customs Service is instituting and inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold, or offered for sale, for exportation to the United States are, or are likely to be, less than the prices for home comsumption.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

Dated: December 16, 1977.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 77-36446 Filed 12-21-77; 8:45 am]

[4810-25]

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on January 23, 24 and 25, 1978, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.
Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on January 24 and a report to the Secretary of the Treasury and Treasury staff on January 24.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on January 23 and 24 and a report to the Secretary of the Treasury and the Treasury staff on January 25.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: December 19, 1977.

ANTHONY M. SOLOMON,
Under Secretary for Monetary Affairs.

[FR Doc. 77-36551 Filed 12-21-77; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 549]

ASSIGNMENT OF HEARINGS

DECEMBER 19, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114211 (Sub-No. 314), Warren Transport, Inc., now being assigned February 28, 1978 (4 days) for hearing in Dallas, Tex., in a hearing room to be later designated.

AB 12 (Sub-No. 53), Southern Pacific Transportation Co. Abandonment Bonita Junction and Seagoville in Nacogdoches, Rusk, Cherokee, Anderson, Henderson, Kaufman and Dallas Counties, Tex., now assigned February 6, 1978 at Jacksonville, Tex. is postponed to March 6, 1978 (1 week) at Jacksonville, Tex., in a hearing room to be later designated.

MC 105045 (Sub-No. 69), R. L. Jeffries Trucking Co., Inc., MC 106509 (Sub-No. 23), Younger Transportation, Inc., and MC 114761 (Sub-No. 11), Getter Trucking, Inc., now being assigned January 31, 1978 (9 days) for hearing at Houston, Tex., will be held in Room 7006, Federal Building and Courthouse, 515 Rusk Ave.

MC 121509 (Sub-No. 3), Daufeldt Transport, Inc., now being assigned February 14, 1978 (2 days) at Des Moines, in a hearing room to be later designated.

MC 18121 (Sub-No. 19), Advance Transportation Co., now being assigned March 14, 1978 (3 days) at Madison, Wis., in a hearing room to be later designated.

MC-C-9763, Home Transportation Co., Inc. v. Colonial Fast Freight Lines, Inc., now assigned January 5, 1978, at Washington, D.C., is postponed to February 22, 1978 at the offices of the Interstate Commerce Commission in Washington, D.C.

No. 36616, Agrico Chemical Co., et al. v. Seaboard Coast Line Railroad Co., now being assigned for continued hearing January 24, 1978 (4 days) at Tampa, Fla., will be held in the International Inn, 4800 West Kennedy Blvd.

No. 36103, The Atchison, Topeka & Santa Fe Railway Co., et al, now being assigned prehearing conference on February 1, 1978, at the office of the Interstate Commerce Commission, Washington, D.C.

MC 116101 (Sub-No. 2M1), Quick Air Freight, Inc., now assigned January 4, 1978 at Columbus, Ohio, is postponed to January 16, 1978 (3 days) at Columbus, Ohio, will be held in Room 228, Federal Building, 85 Marconi Blvd.

MC 115162 (Sub-No. 347), Poole Truck Line, Inc., now assigned January 31, 1978, at

Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 66886 (Sub-No. 56), Belger Cartage Service, Inc., MC 114211 (Sub-No. 310), Warren Transport, Inc., MC 121060 (Sub-No. 47), Arrow Truck Lines, Inc., now assigned February 2, 1978 at Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 73165 (Sub-No. 416), Eagle Motor Lines, Inc., now assigned February 6, 1978 at Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 114552 (Sub-No. 137), Senn Trucking Co., now assigned February 9, 1978 at Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 100666 (Sub-No. 363), Melton Truck Lines, now assigned February 9, 1978, at Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 116763 (Sub-No. 363), Carl Subler Trucking, Inc. and MC 135797 (Sub-No. 74), J. B. Hunt Transport, Inc., now assigned February 7, 1978, at Birmingham, Ala., will be held in the GSA conference room 430, Federal Building, 1800 5th Avenue North.

MC 108207 (Sub-No. 458), Frozen Food Express, now assigned January 17, 1978 at Jefferson City, Mo., will be held in room 201, Governor's Hotel.

AB 12 (Sub-No. 56), Southern Pacific Transportation Co., abandonment between Brenham and Giddings in Washington, Fayette and Lee Counties, Tex., now assigned January 4, 1978 at Brenham, Tex., and will be held in room B-100 (basement), Federal Building, Main and Market Streets.

MC 142738 (Sub-No. 2), Sagelaw Corp., d.b.a. Deluxe America Tours now assigned January 9, 1978 at Houston, Tex., and will be held in room 7006, Federal Building and Courthouse, 515 Rusk Avenue.

MC 129387 (Sub-No. 33), Payne Transportation, Inc., now assigned January 31, 1978 at Seattle, Wash., will be held in room 3086, Federal Building, 915 Second Avenue.

MC 136669 (Sub-No. 13), Processed Beef Express, Inc., now assigned February 1, 1978 at Seattle, Wash., will be held in room 3086, Federal Building, 915 Second Avenue.

MC 109397 (Sub-No. 362), Tri-State Motor Transit Co., now assigned February 2, 1978 at Seattle, Wash., will be held in room 3086, Federal Building, 915 Second Avenue.

MC 114211 (Sub-No. 307), Warren Transport, Inc., now assigned February 6, 1978 at Seattle, Wash., will be held in room 3086, Federal Building, 915 Second Avenue.

MC 106674 (Sub 226), Schilli Motor Lines, Inc., now being assigned February 1, 1978 (4 days), at Indianapolis, Ind. and will be held at the U.S. Tax Court, Room 288, Federal Building and Courthouse 46 East Ohio Street.

MC 1756 (Sub-No. 32), Peoples Express Co., now being assigned January 24, 1978 (1 day), for hearing in New York, N.Y., will be held in Building No. 2, 24th Floor, Vesey Street, World Trade Center.

MC 113678 (Sub 673), Curtis, Inc., now assigned January 18, 1978, at Chicago, Ill., is cancelled, application dismissed.

MC 116254 (Sub 108MI), Chem-Haulers, Inc., now being assigned February 13, 1978 for prehearing conference at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 60014 (Sub 52), Aero Trucking, Inc., now being assigned February 15, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 117851 (Sub 23), John Cheeseman Trucking, Inc., now being assigned February 14, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 129387 (Sub 36), Payne Transportation, Inc., now being assigned March 1, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 77-36545 Filed 12-21-77; 8:45 am]

[7035-01]

[Ex Parte No. 241, Rule 19, 34th Revised Exemption 90]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Thirty-fourth Revised Exemption No. 90

December 19, 1977.

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50 ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 405 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Apalachicola Northern Railroad Co.
Reporting marks: AN.
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting marks: CPLT.
City of Prineville.
Reporting marks: COP.
The Clarendon & Pittsford Railroad Co.
Reporting marks: CLP.
Greenville & Northern Railway Co.
Reporting marks: GRN.
Greenwich & Johnsonville Railway Co.
Reporting marks: GJ.
Lake Erie, Franklin & Clarion Railroad Co.
Reporting marks: LEF.
Louisville & Wadley Railway Co.
Reporting marks: LW.
Louisville, New Albany & Corydon Railroad Co.
Reporting marks: LNAC.
McCloud River Railroad Co.
Reporting marks: MR.
Minneapolis, Northfield & Southern Railway.
Reporting marks: MNS.
[1] Missouri-Kansas-Texas Railroad Co.
Reporting marks: BKTY-MKT.
Municipality of East Troy, Wis.
Reporting marks: METW.
New Orleans Public Belt Railroad.
Reporting marks: NOPB.
North Louisiana & Gulf Railroad Co.
Reporting marks: NLG.
Pearl River Valley Railroad Co.
Reporting marks: PRV.
The Pittsburgh & Lake Erie Railroad Co.
Reporting marks: P&LE.
Providence and Worcester Co.
Reporting marks: PW.
Raritan River Rail Road Co.
Reporting marks: RR
Sacramento Northern Railway.
Reporting marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting marks: SJL.
St. Lawrence Railroad.
Reporting marks: NSL.
Sierra Railroad Co.
Reporting marks: SERA.
Terminal Railway, Alabama State Docks.
Reporting marks: TASD.
Tidewater Southern Railway Co.
Reporting marks: TS.
Toledo, Peoria & Western Railroad Co.
Reporting marks: TPW.
Vermont Railway, Inc.
Reporting marks: VTR.
WCTU Railway Co.
Reporting marks: WCTR.
Yreka Western Railroad Co.
Reporting marks: YW.

Effective December 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 12, 1977.

For the Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 77-36546 Filed 12-21-77; 8:45 am]

[7035-01]

[ICC Order No. 41, under Revised Service Order No. 1252]

REROUTING TRAFFIC

December 19, 1977.

In the opinion of Robert S. Turkington, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. is unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow.

It is ordered, That: (a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Co. being unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow, that line is authorized to divert or reroute such traf-

[1] Addition.

fic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreemeents, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2 p.m., December 13, 1977.

(g) Expiration date: This order shall expire at 11:59 p.m., December 18, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 13, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-36541 Filed 12-21-77; 8:45 am]

[7035-01]

[No. 36696]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Petition for Declaratory Order, Section 408 Assembly and Distribution Rates

DECEMBER 19, 1977.

Southern Motor Carriers Rate Conference, Inc., filed, on September 18, 1977, a petition for a declaratory order.

Petitioner seeks an order which would hold that assembling and distribution rates under section 408 of the Interstate Commerce Act require the connecting prior or subsequent movement as part of a carload or truckload shipment to be performed by common carriers only.

In support of its request, the petitioner asserts that within its territory tariff items for use by six carriers currently provide reduced assembling or distribution rates allowing the use of private carriage for the connecting movement, and that the dictum in a recent decision of Review Board No. 4, No. 36416, *Southern Motor Carriers Rate Conference, Inc.* v. *Tarheel Express, Inc.*, (unpublished, petition for reconsideration pending), citing *Collection Rates, Associated Truck Lines, Inc.*, 351 I.C.C. 204 (1975), is inconsistent with *Natl. Motor Freight Traffic Association* v. *United States*, 253 F. Supp. 661 (1966).

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 whether the definition in section 408 of the act of "assembling and distribution rates or charges" requires that the movement from the assembling point or to the distribution point be performed by a common carrier only, or might be performed by a private carrier.

3. Since this matter appears to be susceptible of handling under the modified procedure, pursuant to Rules 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 January 11, 1978; (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 notice shall be served upon the petitioner, and notice of this proceeding shall be given to the public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.

Decided: December 14, 1977.

By the Commission, Commissioner Murphy.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36542 Filed 12-21-77; 8:45 am]

[7035-01]

[Notice No. 271]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 23, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the propsed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77208, filed December 9, 1977. Transferee: GENERAL VAN AND STORAGE CO., INC., 55 Thornberry Road, Winchester, Mass. Transferor: D. W. Dunn Co., 3175 Washington Street, Jamaica Plains, Mass. 02130. Applicants' representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington,

D.C. 20036. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 73527 issued September 7, 1940, as follows: *Household goods*, over irregular routes, between points and places in that part of Massachusetts east of the Connecticut River, including those bordering on the west bank of the river, on the one hand, and, on the other, points and places in Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77303, filed September 14, 1977. Transferee: WILLIAM LAND CO., INC., 350 Depot street, Scranton, Pa. 18509. Transferor: William Land, Inc., 350 Depot Street, Scranton, Pa. 18509. Applicant's representative: Robert H. Horger, president, 350 Depot Street, Scranton, Pa. 18509. Authority sought for purchase by transferee of the operating rights of transferor as set forth in certificate No. MC 60478, issued November 4, 1974, as follows: *Uncrated machinery*, between Scranton, Pa. and 15 miles thereof, on the one hand, and, on the other, points in New York other than New York City and points within 15 miles of New York City and points in Maryland and the District of Columbia; and *dry goods*, between Scranton, Pa., and Johnson City, N.Y. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

No. MC-FC-77345, filed December 5, 1977. Transferee: R.M.E. INC., P.O. Box 418, Streator, Ill. 61364. Transferor: P.L.&M. Express, Inc., P.O. Box 418, Streator, Ill. 61364. Applicants' representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate Nos. MC48441, MC48441 (Sub-No. 1), MC48441 (Sub-No. 2), MC48441 (Sub-No. 5), MC48441 (Sub-No. 8), MC48441 (Sub-No. 9), and MC48441 (Sub-No. 11), issued January 22, 1968, March 18, 1968, August 17, 1973, January 22, 1970, January 30, 1976, November 12, 1974, and December 17, 1973, respectively as follows: *General commodities*, with specified exceptions, between points in Chicago, Ill.; *general commodities*, with specified exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone; *glass, glass products, yeast, malt products, and brewery supplies*, between Milwaukee, Wis., and Alton, Ill., over specified regular routes; *building materials, paint, roofing, and iron and steel construction products*, from Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Illinois, Indiana, and Michigan within 300 miles of Chicago Heights.; *household goods*, as defined by the Commission, between Chicago Heights, Ill., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan.; *beer and malt products*, from Milwaukee, Wis., to St. Louis, Mo., points in Indiana, Illinois, and Ohio, and those in the Lower Peninsula of Michigan; *empty malt beverage containers*, from St. Louis, Mo., points in Indiana, Illinois, and Ohio, and those in the Lower Peninsula of Michigan to Milwaukee, Wis.; *canned goods*, from points in Indiana and Ohio, to Milwaukee, Wis.; *paper and paper products*, from points in Ohio to Milwaukee, Wis.; between Milwaukee, Wis., on the one hand, and, on the other, Kalamazoo, Mich., and points within 15 miles of Kalamazoo; *animal feed*, from Momence, Ill., to Louisville, Ky., and points in Indiana.; *telephone directories and telephone directory pages*, from the plant site of R. R. Donnelley & Sons Co., in Dwight, Ill., to points in Michigan, Ohio, Indiana, Kentucky, Missouri, Iowa, and Wisconsin; *glass containers*, from Jonesboro, Ark., to the facilities of Pilgrim Farms, Inc., at Plymouth, Ind., and at Hamilton, Mich.; *canned foodstuffs*, from the facilities of Pilgrim Farms, Inc., at Plymouth, Ind., and near Hamilton, Mich., to points in Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, and Arizona; *iron containers and steel containers*, from Danville, Ill., to Franklin, Ky. Transferee presently holds no authority from this commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77366, filed December 12, 1977. Transferee: HAYNES TRANSPORT CO., INC., R.R. 2, P.O. Box 9, Salina, Kans. 67401. Transferor: Tejas Lines, Inc., R.R. 2, P.O. Box 174A, Canyon, Tex. 79015. Applicants' representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 141519, MC 141519 (Sub-No. 2), and MC 141519 (Sub-No. 4), issued February 12, 1976, and August 23, 1977, as follows: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Enid, Okla., to points in Kansas, Colorado, Missouri, Arkansas, Louisiana, and Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria counties); *anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminal facilities of the Mid-America Pipeline Co. near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; and from the plantsite of Farmland Industries, Inc., at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa; *anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; *anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Farnsworth, Tex., to points in Colorado, Kansas, New Mexico, and Oklahoma. Transferee presently holds no authority from this Commission but is affiliated with Salton Truck Lines, Inc., an authorized motor carrier holding authority under MC 135040. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77412, filed November 15, 1977. Transferee: SAVOIE, INC., C.P. 40, Manseau, Nicolet County, Quebec, Canada, GOX 1VO. Transferor: Jean Paul Savoie, d.b.a. Savoie Express Enr. (address same as transferee). Applicants' representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 134160, issued February 19, 1971, as follows: *Lumber*, from the ports of entry on the United States-Canada boundary line located in Maine, New Hampshire, Vermont, and New York to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36543 Filed 12-21-77; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 16, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination

of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 1, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 124211 (Sub-No. 305G), filed September 13, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 comodities in bulk), (a) between points in Nebraska, on the one hand and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; and, (b) from points in Nebraska, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. Applicant states the purpose of this application is to eliminate gateways at various points in Nebraska and requests cancellation of all duplicating E-letter notice authorities upon issuance of the authority requested herein.

No. MC 7971 (Sub-No. E2) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of August 25, 1977, and republished, as corrected, this issue. Applicant: AMERICAN SECURITY VAN LINE, INC., 4410 Wendell Drive, NW., Atlanta, Ga. 30336. Applicant's representative: Harold W. Breffle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Cook, Du Page, Lake, and Will Counties, Ill., on the one hand, and, on the other, points in Aransas, Bee, Brazoria, Brooks, Calhoun, Cameron, Chambers, Duval, Fort Bend, Galveston, Goliad, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Liberty, Matagordo, Montgomery, Nueces, Orange, Refugio, San Patrico, Starr, Vicpata, Webb, Wharton, Willacy, and Zapata Counties, Tex., and (2) between points in Lake County, Ind., and those points in Indiana on and east of a line extending from Hammond, Ind., along U.S. Highway 41 to junction U.S. Highway 52, thence along U.S. Highway 52 to Lafayette, Ind., thence along U.S. Highway 231 to Indiana-Kentucky State line, on the one hand, and, on the other, points in Texas on, south and east of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 21 to junction Texas Highway 102 to Lufkin, Tex., thence along Texas Highway 94 to Huntsville, Tex., thence along Texas Highway 30 to Bryan, Tex.; thence along Texas Highway 21 to junction U.S. Highway 290 to Austin, Tex.; thence along Interstate Highway 35 to San Antonio, Tex.; thence along U.S. Highway 90 to Del Rio, Tex. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

NOTE.—The purpose of this correction is to state the correct sub-number.

No. MC 61825 (Sub-No. E1160), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and those points in California on and north of a line beginning at the Pacific Ocean near Santa Monica and extending along Interstate Highway 10 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Arizona State line; points in Arizona on and north of a line beginning at the Arizona-California State line extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arizona Highway 64, thence along Arizona Highway 64 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Arizona-Colorado State line; points in Colorado on and north of a line beginning at the Colorado-Arizona State line extending along U.S. Highway 160 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Kansas State line; points in Kansas on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 40 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line; points in Nebraska on and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line, to points in Florida on and east of a line beginning at the Atlantic Ocean extending along Florida Highway 207 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction Florida Turnpike, thence along the Florida Turnpike to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 827, thence along Florida Highway 827 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 27, thence along Florida Highway 27 to junction U.S. Highway 1, and all points on the Florida Keys. The purpose of this filing is to eliminate the gateways of Smyth County, Va., Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub-No. E1161), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Idaho; Montana; North Dakota; Oregon; South Dakota; Washington; and Wyoming; and points in California on and north of a line beginning at Estero Bay near Los Osos, Calif., extending along California Highway 1 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction California Highway 14, thence along California Highway 14 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to junction California Highway 58, thence along California Highway 58 to the California-Nevada State line; points in Nevada on and north of a line beginning at the Nevada-California State line extending along Nevada Highway 59 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada

Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line; points in Utah on and north of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 12, thence along Utah Highway 12 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 95, thence along Utah Highway 95 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 128, thence along Utah Highway 128 to the Utah-Colorado State line; points in Colorado on and north of a line beginning at the Colorado-Utah State line extending along U.S. Highway 6 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Colorado-Nebraska State line; points in Nebraska on and north of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 70, thence along Nebaska Highway 70 to junction U.S Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, to points in Florida on, east and south of a line beginning at the Gerogia-Florida State line at the Atlantic Ocean extending west and south along Florida Highway 121 to junction Florida Highway 16, thence along Florida Highway 16 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Florida Highway 24, thence along Florida Highway 24 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Florida Highway 40, thence along Florida Highway 40 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Smyth County, Va., Martinsville, Va., and points Georgia.

No. MC 61825 (Sub-No. E1162), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont to those points in Arkansas, on and south of a line beginning at the Mississippi River and extending west along the Missouri-Arkansas State line to junction Arkansas Highway 25, to junction U.S. Highway 67, to junction Arkansas Highway 69, to junction Arkansas Highway 25, to junction Arkansas Highway 92, to junction Arkansas Highway 16, to junction Arkansas Highway 123, to junction U.S. Highway 64, to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line; those points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line, and extending along Interstate Highway 40 to junction U.S. Highway 183, to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Texas State line; those points in Texas on and south of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 33, to junction U.S. Highway 83, to junction Texas Highway 15, to junction Texas Highway 136, to junction Texas Highway 207, to junction U.S. Highway 87, and thence U.S. Highway 87 to the Texas-New Mexico State line.

The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No MC 61825 (Sub-No. E1163), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collingsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from those points in Rhode Island on and east of a line beginning at Pt. Judith Pond and extending north to Wakefield, R.I., thence north along U.S. Highway 1 to junction Rhode Island Highway 4, to junction Rhode Island Highway 2, to junction Interstate Highway 95, to junction U.S. Highway 1 to Rhode Island Massachusetts State line; those points in Massachusetts on and east of a line beginning at the Massachusetts-Rhode Island State line, and extending along U.S. Highway 1 to junction U.S. Highway 495, to junction Massachusetts Highway 110 to junction Interstate Highway 495, to junction Interstate Highway 95, thence along Interstate Highway 95 to the Massachusetts-New Hampshire State line; those points in New Hampshire on and east of a line beginning at the New Hampshire-Massachusetts State line, and extending along Interstate Highway 95 to the New Hampshire-Maine State line; those points in Maine on and east of a line beginning at the Maine-New Hampshire State line, and extending along the Spaulding Turnpike to junction U.S. Highway 202, to junction Maine Highway 4, to junction Maine Highway 27, and thence along Maine Highway 27 to the United States-Canadian International Boundary line, to those points in Arkansas, Oklahoma, and Texas on and bounded by a line beginning at the Missouri-Arkansas State line and extending west along Arkansas Highway 25 to junction U.S. Highway 67, to junction Arkansas Highway 69, to junction Arkansas Highway 25, to junction Arkansas Highway 92, to junction Arkansas Highway 16, to junction Arkansas Highway 123, to junction U.S. Highway 64, to junction Interstate Highway 40, to junction U.S. Highway 183, to junction Oklahoma Highway 33, to junction Texas Highway 33, to junction U.S. Highway 83, to junction Texas Highway 15, to junction Texas Highway 136, to junction Texas Highway 281, to junction U.S. Highway 87 to the Texas-New Mexico State line, thence north along the Texas-New Mexico State line to the New Mexico-Oklahoma State line, thence to the Oklahoma-Colorado State line, thence to the Oklahoma-Kansas State line, thence to junction U.S. Highway 281, thence south along U.S. Highway 281 to junction U.S. Highway 64, to junction Oklahoma Highway 33, to junction Arkansas Highway 59, to junction Arkansas Highway 68, to junction U.S. Highway 62 at Alpena, Ark., thence east along U.S. Highway 62 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line, and thence along Arkansas-Missouri State line to the point of beginning.

The purpose of this filing is to eliminate the gateway of points in Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1164), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arkansas, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming on and bounded by a line beginning at West Memphis, Ark., and extending northwest along U.S. Highway 63 to junction Arkansas Highway 14, to junction U.S. Highway 67, to junction U.S. Highway 64, to junction Oklahoma Highway 9A, to junction U.S. Highway 271, to junction Oklahoma Highway 31, to junction Oklahoma Highway 1, to junction Oklahoma Highway 7, to junction U.S. Highway 81, to junction Oklahoma Highway 53, to junction Oklahoma Highway 5, to junction U.S. Highway 283, to junction U.S. Highway 62, to junction U.S. Highway 83, to junction U.S. Highway 66, to junction New Mexico Highway 39, to junction U.S. Highway 56, to junction U.S. Highway 85, to junction New Mexico Highway 58, to junction U.S. Highway 64, to

junction New Mexico Highway 38, to junction New Mexico Highway 3, to junction Colorado Highway 159, to junction U.S. Highway 160 to junction U.S. Highway 666, to junction U.S. Highway 163, to junction Utah Highway 95, to junction Utah Highway 24, to junction U.S. Highway 89, to junction Utah Highway 26, to junction U.S. Highway 50, to junction Nevada Highway 8A, to junction U.S. Highway 40, to junction U.S. Highway 95, to junction Interstate Highway 80, to junction Oregon Highway 32, to junction Washington Highway 14, to junction Washington Highway 221, to junction U.S. Highway 12, to junction Washington Highway 410, to junction Washington Highway 169, to junction Interstate Highway 405, to junction Washington Highway 522, to junction Washington Highway 9 to the United States-Canadian International Boundary line, thence ease along the United States-Canadian International Boundary line to junction U.S. Highway 89, to junction U.S. Highway 2, to junction U.S. Highway 93, to junction Idaho Highway 28, to junction Idaho Highway 88, to junction Interstate Highway 15, to Junction U.S. Highway 30N, to junction U.S. Highway 189, to junction Wyoming Highway 412, to junction Wyoming Highway 410, to junction Wyoming Highway 414, to junction Utah Highway 43, to junction Utah Highway 44, to junction U.S. Highway 40, to junction U.S. Highway 6, to junction Colorado Highway 119, to junction U.S. Highway 36, to junction Interstate Highway 70, to junction Kansas Highway 23, to junction Kansas Highway 4, to junction U.S. Highway 281, to junction U.S. Highway 54, to junction Kansas Highway 15, to junction U.S. Highway 77, to junction U.S. Highway 60, to junction U.S. Highway 75, to junction Oklahoma Highway 33, to junction Oklahoma Highway 82, to junction Oklahoma Highway 20, thence to the Oklahoma-Arkansas State line, thence to the Arkansas-Missouri State line, thence to the Arkansas-Tennessee State line, and thence south along the Arkansas-Tennessee State line to the point of beginning, to points in Maine, Massachusetts, New Hampshire, and Rhode Island on and east of a line beginning at Pt. Judith Pond and extending north to Wakefield, R.I., thence along U.S. Highway 1, to junction Rhode Island Highway 4, to junction Rhode Island Highway 2, to junction Interstate Highway 95, to Providence, R.I., to junction U.S. Highway 1, to junction Interstate Highway 495, to junction Massachusetts Highway 110 to junction Interstate Highway 495, to junction Interstate Highway 95 to Portsmouth, N.H., thence along the Spaulding Turnpike to junction U.S. Highway 202, to junction Maine Highway 4, to Junction Maine Highway 27, and thence along Maine Highway 27 to the United States-Canadian International Boundary line.

The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Martinsville, Va. and Elizabeth City, N.C.

No. MC 107012 (Sub-No. E5), filed May 16, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Commercial and Institutional Fixtures, Uncrated.* (1.) From points in California, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

(2.) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Counties, Calif., to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangaline, Grant, La Salle, Rapids, Saint Laundry, Vernon, Caldwell, East, Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana Counties, La; points in Mississippi.

(3.) From points in Inyo, Fresno, Kings, Tulare Counties, Calif., to points in Arkansas, Cleburne, Conway, Faulner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White Counties, Ark.; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana Counties, La.; points in Mississippi.

(4.) From points in Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, Calif., to points in Arkansas, Louisiana, Mississippi; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, Wood Counties, Tex.

(5.) From points in Kern, Los Angeles, Orange, San Louis Obispo, Santa Barbara, Ventura Counties, Calif., to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington Counties, Iowa; points in Mississippi.

(6.) From points in San Bernardino Counties, Calif., to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark., points in Mississippi.

(7.) From points in Imperial, Riverside, San Diego Counties, Calif., to points in Arkansas, Cleburne, Conway, Faukner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Koekuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Counties, Iowa; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Lefore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Layayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotic, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, Miss.

(8.) From points in Alameda, Alpine, Amador, Calaversas, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, Calif., to points

in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana Counties, La; points in Mississippi.

The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E8), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, (1)(a) from points in Colorado to points in Alabama, Florida, Georgia, Mississippi North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Green County, Ark., (1)(b) from points in Colorado to points in Kentucky and Virginia. The purpose of this filing is to eliminate the gateway of points in Missouri.

(2) From points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, and Teller Counties, Colo., to points in Ashley, Bradley, Calhoun Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La.

(3) From points in Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, and Pueblo Counties, Colo.; to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La.

(4) From points in Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, Colo., to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Cathoula, Concordia, Evangeline, Grant, La Salle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La. The purpose of this filing is to eliminate the gateway of Green County, Ark.

No. MC 107012 (Sub-No. E9), filed May 16, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, from points in Connecticut to points in Alabama, Florida, Georgia; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin Counties, N.C.; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Spartanburg Counties, S.C. The purpose of this filing is to eliminate the gateway of the State of Tennessee.

No. MC 107012 (Sub-No. E11), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, (1) from points in Delaware to points in Alabama.

(2) From points in Kent County, Del. to points in Florida; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumplin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Peckens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, S.C.

(3) From points in Sussex County, Del. to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin,

Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminolf, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, Fla.; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Barrow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, S.C.

(4) From points in New Castle County, Del. to points in Florida; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, S.C. The purpose of this filing is to eliminate the gateway of State of Tennessee (except points in Hamblen County).

No. MC 107012 (Sub-No. E13), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, from points in Washington, D.C. to points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield Counties, Ga.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey Counties, N.C.; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, S.C. The purpose of this filing is to eliminate the gateway of points in State of Tennessee (except points in Hamblen County.)

No. MC 107012 (Sub-No. E24), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, (1) from points in Florida to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

(2) From points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota Counties, Fla., to points in Arizona; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; points in New Mexico, Oklahoma; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Iron, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennen, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd,

Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, Wood Counties, Tex.

(3) From points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminolf, Sumter, Volusia Counties, Fla., to points in Arizona; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; points in New Mexico, Oklahoma; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCullock, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler Counties, Tex.

(4) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Counties, Fla., to points in Arizona; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastin, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White Counties, Arkansas; Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster Counties, Ky.; points in New Mexico, Oklahoma; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton Counties, Tenn.; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampass, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwell, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, Wood Counties, Tex.

(5) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington Counties, Fla., to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Huma Counties, Ariz.; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington Counties, Ark.; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, Union Counties, N. Mex.; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Seqroyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, Okla.

(6) From points in Columbia, Dixie, Franklin, Gadsen, Glichrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, Fla, to points in Arizona; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White Counties, Arkansas, Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, N. Mex.; points in Oklahoma; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E32), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated.*

(1) From points in Georgia, to points in Arizona, California, Colorado,

Idaho, Kansas, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

(2) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, and Worth Counties, Ga., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Iowa; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, Tex.

(3) From points, in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, and Wilkinson Counties, Ga., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Iowa; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

(4) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, To Ware, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, and Screven Counties, Ga., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Iowa; Andrews, Archer, Baylor, Blanco, Borden Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Iron, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

(5) From points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, Ga., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plym-

outh, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Ulvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E36), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated.*

(1) From points in Arizona, to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

(2) From points in Cochise, Gila, Graham, and Greenlee Counties, Ariz. to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlotte, De Sota, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.

(3) From points in Apache, Coconino, Mohave, Navajo, and Yavapai, Counties, Ariz. to points in Alabama; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Florida; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.

(4) From points in Maricopa, Pima, Pinal, and Santa Cruz Counties, Ariz. to points in Alabama; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Florida; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.

(5) From points in Yuma County, Ariz. to points in Alabama; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Florida; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.

The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E40), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures, uncrated*, (1) from points in Iowa, to points in Florida and Mississippi.

(2) From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Wright, and Worth Counties, Iowa, to points in Alabama; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; points in Georgia, Louisiana; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake,

Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hildalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

(3) From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, and Webster Counties, Iowa, to points in Alabama; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Salihe, and White Counties, Ark.; points in Georgia, Louisiana; Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C.; points in South Carolina; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hildalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washingon, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fanning, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

(4) From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, Iowa, to points in Autauga, Bibb, Blount, Calhoun, Cambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawnedes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, Ala.; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, Ark.; Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside and San Diego Counties, Calif.; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, and Screven Counties, Ga.; points in Louisiana; Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, and Roosevelt Counties, N. Mex.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn., Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limstone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Na-

cogdockes, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur and Van Zandt Counties, Tex.

(5) From points, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, and Union Counties, Iowa, to points in Alabama, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, Ark.; points in Georgia; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson, Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La., points in North Carolina, South Carolina, Tennessee; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, and York Counties, Va., and the Independent Cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Calax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Frankoin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, Va.

(6) From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa, to points in Alabama; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, Ark.; points in Georgia; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenburg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, and Warren Counties, Ky.; points in Louisiana, North Carolina, South Carolina, Tennessee; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wyth Counties, Va.

The purpose of this filing is to eliminate the gateway of Green County, Ark.

No. MC 114019 (Sub-No. E483) (partial correction), filed May 31, 1974, published in the FEDERAL REGISTER issued of September 8, 1977, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise as is dealt in by chain grocery stores, and supplies machinery, fixtures, and equipment*, incidental to the production, warehousing and sale thereof (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), (13) from New York, N.Y., and points within 30 miles of New York, N.Y., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 218 to junction Interstate Highway 35, thence north along Interstate Highway 35 to junction Interstate Highway 494, thence west along Interstate Highway 494 to junction Minnesota Highway 152, thence north along Minnesota Highway 152 to junction U.S. Highway 10, thence north along U.S. Highway 10 to junction Minnesota Highway 371, thence north along Minnesota Highway 371 to junction U.S. Highway 71, thence north along U.S. Highway 71 to the Canada-Minnesota State line, and points in Missouri, on, north and west of a line beginning at the Iowa-Missouri State line and extending west along U.S. Highway 136 to junction Missouri Highway 15, thence south along Missouri Highway 15 to junction Missouri Highway 11, thence west along Missouri Highway 11 to junction U.S. Highway 36, thence west along U.S. Highway 36 to junction U.S. Highway 69, thence south along U.S. Highway 69 to the Missouri-Kansas State line, (14)(A) from Philadelphia, Pa., and points within 30 miles thereof, and Baltimore, Md., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 218 to junction Interstate Highway 35, thence along north along Interstate Highway 35 to juction Interstate Highway 494, thence north along Interstate Highway 494 to junction U.S. Highway 10/52 thence north along U.S. Highway 10/52 to junction Minnesota Highway 25, thence north along Minnesota Highway 25 to junction Minnesota Highway 210, thence east along Minnesota Highway 210 to junction Minnesota Highway 6, thence north along Minnesota Highway 6 to junction U.S. Highway 71, thence north along U.S. Highway 71 to the Minnesota-Canada line, and points in that part of Missouri, on, north and west of a line beginning at the Iowa-Missouri State line and extending south along U.S. Highway 63 to junction Missouri Highway 11, thence south along Missouri Highway 11 to junction U.S. Highway 36, thence west along U.S. Highway 36 to junction U.S. Highway 69, thence south along U.S. Highway 69 to junction Missouri Highway 116, thence west along Missouri Highway 116 to the Kansas-Missouri State line and, (14)(B) from points in West Virginia within two miles of the Ohio River extending north from Sistersville, W. Va., to junction West Virginia-Ohio-Pennsylvania State lines, to points in that part of Minnesota on, north and west of a line beginning at the Iowa-Minnesota State line and extending north along U.S. HIghway 59 to the Minnesota-Canada line.

The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, the warehouse and other storage facility of the Colgate-Palmolive Co. at Jeffersonville, Ind. (which is located in the Louisville, Ky. commercial zone), and points in Illinois within the commercial zone of Muscatine, Iowa.

NOTE.—The purpose of this partial correction is to state the correct commodity dscription and the correct gateways. The remainder of this letter-notice remains as previously published.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36544 Filed 12-21-77; 8:45 am]

[7035-01]

[Volume No. 48]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS.

DECEMBER 16, 1977.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

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 113678 (Sub-No. 315) (M1) (Notice of filing of Petition to Modify Commodity Description), filed November 1, 1977. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Petitioner's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* Certificate in No. MC 113678 (Sub-No. 315), issued September 21, 1970, authorizing transportation, over irregular routes, of, as pertinent: *Foodstuffs* used by and dealt in by restaurants (except meats, meat products, and meat by-products, and articles distributed by meat packinghouses), in vehicles, equipped with mechanical refrigeration, from Denver, Colo., to points in the United States (except Alaska, Hawaii, New Mexico, Oklahoma, and Texas), restricted to transportation of traffic originating at Denver, Colo. By the instant petition, petitioner seeks to change the commodity description to read as follows: *Such foodstuffs* as are used by and dealt in by restaurants (except meats, meat products, and meat by-products, and articles distributed by meat packinghouses), in vehicles equipped with mechanical refrigeration.

No. MC 139884 (Sub-No. 5) (M1) (Notice of filing of Petition to Add Contracting Shipper), filed October 1, 1977. Petitioner: KLIMA, INC., 10650 Southwest Wilsonville, Rd., Wilsonville, Oreg. 97070. Petitioner's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Petitioner holds a motor *contract carrier* permit in No. MC 139884 (Sub-No. 5), issued October 20, 1977, authorizing transportation, over irregular routes, of: *Lumber and wood products*, from points in Oregon and Washington, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Dana-Deck, Inc., of Bellingham, Wash. By the Instant petition, petitioner seeks to add Trimac Panel Products, Inc., of Portland Oreg., as a contracting shipper.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to reasonably 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 applic ant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2095 (Sub-No. 9), filed November 2, 1977. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth (R.F.D. 2, Box 10), Sabetha, Kans. 66534. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicles over irregular routes, transporting: Gypsum and gypsum products, and materials and supplies used in the installation and distribution thereof, from the plantsite and warehouses of Georgia-Pacific Corp., located at or near Blue Rapids, Kans., to points in New Mexico, Montana, Wyoming, Arizona, California, Nevada, Oregon, Washington, Idaho, Utah, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 2368 (Sub-No. 70), filed October 27, 1977. Applicant: BRALLEY WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *petroleum products* in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE.—If a hearing is seen necessary, applicant requests it to be held in Washington, D.C., or Richmond, Va.

[1] Copies of Special Rule 247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2900 (Sub-No. 317), filed November 2, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Serving the plantsite facilities of Outboard Marine Corp. located at or near Beloit, Wis. as an off-route point in connection with carrier's presently authorized routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 2900 (Sub-No. 318), filed November 3, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) Between Racine, Wis. and Burlington, Wis., serving all intermediate points: From Racine over Wisconsin Highway 11 to Burlington, and return over the same route; and (2) Between Kenosha, Wis. and Burlington, Wis. serving no intermediate points: From Kenosha over Wisconsin Highway 142, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 11207 (Sub-No. 402), filed October 27, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, and slabs*, between the plantsite and facilities of Culp Smelting and Refining Co., located at or near Steele, Ala., on the one hand, and on the other, points in Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Birmingham, Ala., or Atlanta, Ga.

No. MC 11207 (Sub-No. 403), filed October 27, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*, from the facilities of Samson Plastic Conduit and Pipe Corp., located in Geneva County, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. (2) *Materials* used in the manufacture and installation of plastic pipe and fittings (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), from points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas to the facilities of Samson Plastic Conduit and Pipe Corp., located in Geneva County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Birmingham, or Montgomery, Ala.

No. MC 11207 (Sub-No. 405), filed October 31, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building material*, and *commodities* used in the manufacture of *metal buuilding material* (except commodities in bulk), between Louisville, Ky., Nashville, Tenn., and Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Ohio, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky., or Birmingham, Ala.

No. MC 19157 (Sub-No. 47), filed November 3, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and those which because of size or weight require the use of special equipment, household goods as defined by the Commission, articles of unusual value, classes A and B explosives, foodstuffs, and alcoholic and malt beverages), between the Yellow Creek Port and industrial areas, located in Alcorn and Tishomingo Counties, Miss. and Petaluma, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Memphis, Tenn., or San Francisco, Calif.

No. MC 19227 (Sub-No. 240), filed October 31, 1977. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 North West 20th Street, P.O. Box 520602, Miami, Fla. 33152. Applicant's representative: Thomas A. Leonard (same address as applicant). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*1*) (*a*) *Bulk conveying systems* (*b*) *pressure vessel systems and equipment;* (*c*) *air pollution, heating, and cooling equipment; and* (*d*) *parts and accessories for commodities as named in* (*a*), (*b*), *and* (*c*) *above*, from the plantsite and facilities of Allied Industries, Inc. located at or near Houston, Tex., to points in the United States (except Alaska and Hawaii); and (2) *return of refused or rejected shipments*, from points in the United States (except Alaska and Hawaii), to Houston, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Houston or Dallas, Tex.

No. MC 19778 (Sub-No. 99), filed November 7, 1977. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, 516 West Jackson Boulevard, Chicago, Ill. 60606. Applicant's representative: Robert F. Munsell, suite 508, 516 West Jackson Boulevard, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber, plywood, millwork*, and (2) *related articles* molding, fastners, adhesive, cauking, and nails) when transported therewith, from Potlatch and Princeton, Idaho, to Bovill, Idaho, restricted to transportation of shipments having a subsequent movement by rail.

NOTE.—Common control may be involved. If hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Spokane, Wash.

No. MC 26396 (Sub-No. 160), filed November 4, 1977. Applicant: POPELKA TRUCKING CO., d.b.a. The Waggoners, P. O. Box 990, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Food stuffs (except frozen)*, and (b) *Potting media, potting soils and items used in the care and growing of domestic plants, in mixed shipments with foodstuffs only*, from the plantsites and facilities utilized by Del Monte Corp. located at or near Rochelle, Mendota, and DeKalb, Ill.; Plover, Markesan and Arlington, Wis.; and Frankfort, Ind., to points in Indiana, Illinois, Iowa, Ken-

tucky, Michigan, Minnesota, Ohio, West Virginia, Wisconsin, New York, Pennsylvania, Missouri, and New Jersey; and (2) *Pallets*, from points in the destinations named in (1) above, to the origin points named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 30884 (Sub-No. 25) filed October 28, 1977. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Motor vehicles* (except trailers), in initial movements in truckaway service, from the plantsites or storage facilities of General Motors, located at Kansas City, Mo., to points in Michigan, under a continuing contract or contracts with General Motors Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30884 (Sub-No. 26), filed October 28, 1977. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements in truckaway service, from the plantsites or storage facilities of General Motors, located at Detroit, Mich., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, under a continuing contract or contracts with General Motors Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 41404 (Sub-No. 135), filed November 3, 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: (1) *Meat, meat products, meat by-products* and articles distributed by meat packinghouses as defined by the Commission, from South Bend, Ind. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and, (2) *Frozen foods* from Milford, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary applicant requests it be held in Chicago, Ill. or Fort Wayne, Ind.

No. MC 43867 (Sub-No. 36), filed November 4, 1977. Applicant: A. LEANDER McALISTER TRUCKING CO., a corporation, P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Brian E. Brewton, P.O. Box 2214, Wichita Falls, Tex. 76307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in interstate or foreign commerce transporting: *Lift Trucks and parts and attachments for lift trucks*, from points in Fresno County, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Wichita Falls, Tex.

No. MC 47171 (Sub-No. 98), filed November 10, 1977. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric Storage batteries* and *battery parts* (including plastic battery cases) and *accessories* used in manufacture of electric storage batteries, and *Junk batteries*, (1) between Reading, Pa.; Lampeter, Pa.; and Selma, Ala., (2) between Selma, Ala. and Greer, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 48958 (Sub-No. 141), filed October 31, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Class A and B explosives, Household Goods as defined by the Commission, commodities in bulk, articles of unusual value, and articles requiring special equipment), serving Amalia, N. Mex., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 48958 (Sub-No. 142), filed November 3, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, and articles requiring special equipment), serving Prescott Valley, Ariz., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 52704 (Sub-No. 155), filed October 25, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Fibre Pulpboard Partitions from the plantsite of Sonoco Products Co. at or near Marietta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, Oklahoma, Arkansas, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60014 (Sub-No. 60), filed November 8, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, pressure vessels, custom fabrications of stainless steel and high alloys*, from the plantsite of Alloy Fabricators, Inc. located at Trenton, Ga. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 60014 (Sub-No. 61), filed November 8, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the plantsite and shipping facilities of Georgetown Steel Co. at or near Georgetown, S.C. to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 60014 (Sub-No. 62), filed November 8, 1977. Applicant: AERO

TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from the plantsite and shipping facilities of Wood Products Division of Georgia Kraft Co. at or near Greenville (Meriwether County), Ga. to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 61396 (Sub-No. 339), filed November 7, 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: *Liquid argon, liquid nitrogen, liquid oxygen and compressed gases* (except butane, propane, anhydrous ammonia and sulfur dioxide), in bulk, from Chicago, Ill.; Mt. Vernon, Ind.; Sharon, Pa.; Toledo, Ohio; Oklahoma City, Okla.; Chattanooga, Tenn.; and Richmond, Va., to points in the United States (except Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, North Dakota, South Dakota, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61396 (Sub-No. 340), filed November 7, 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: *Flour*, in bulk and in bags, and *millfeed*, in bulk, from the plantsites and storage facilities of ConAgra, Inc., located at or near Martins Creek, Red Lion, Treichlers, and York, Pa., to points in Delaware, District of Columbia, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Maine, New Hampshire, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 63417 (Sub-No. 114), filed October 11, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts* from Sumter, S.C. and the plantsite and facilities of Coleman Furniture Co. at Pulaski, Va. to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. (2) Returned shipments of above commodities from above destinations to above origins.

NOTE.—If hearing is deemed necessary, applicant requests that it be held in Roanoke, Va.

No. MC 64932 (Sub-No. 577), filed October 27, 1977. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. 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) *Chemicals*, in bulk, in tank vehicles, from South Bend, Ind. to points in New Jersey, Ohio, Oklahoma, Texas, and West Virginia; (2) *liquid cleaning compounds, corrosive material*, in bulk, in rubber-lined top unloading tank trucks, from the plantsite of Oxy Metal Industries Corp., Parker Division, located at Morenci, Mich. to the plantsite of Schlitz Container Division, Jos. Schlitz Brewing Co. at Winston Salem, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 69397 (Sub-No. 31), filed November 11, 1977. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particleboard, furniture stock panels, wood dimension stock, and compressed fibreboard*, from Boston, Mass., to points in Delaware, Georgia, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Boston, Mass., or Washington, D.C. Common control may also be involved.

No. MC 71902 (Sub-No. 90), filed November 2, 1977. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. 73118. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles* (except trailers), in initial movement in truckaway service, from the plantsite of General Motors Corp. (GM Assembly Division), located in Wyandotte County, Kans., to points in Ohio and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, Mich., or Washington, D.C. Common control may be involved.

No. MC 73165 (Sub-No. 420), filed October 24, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue, North, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *composition boards* from the facilities of the United States Gypsum Co., Greenville, Miss., to points in and east of the states of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Birmingham, Ala.

No. MC 74321 (Sub-No. 135), filed October 28, 1977. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the plantsite of Nucor Steel at or near Darlington County, S.C., to points in Alabama, Illinois, Indiana, Kentucky, Maryland, Mississippi, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and return of rejected or refused shipments

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Denver, Colo., or Charleston, S.C.

No. MC 82079 (Sub-No. 53), filed November 8, 1977. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh and frozen meat, frozen foods and foodstuffs*, in mechanically refrigerated vehicles (except commodities in bulk), from the plantsites and warehouse facilities of Stehouwer's Frozen Foods, Inc., and Country Queen Foods, Inc.,

at Grand Rapids, Mich.; Henry House, Inc., at Holland, Mich.; and C. J. Christoff & Sons, at Lowell, Mich., to points in Indiana. The transportation herein is restricted to traffic originating at the origin points and destined to the points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 85970 (Sub-No. 12), filed October 31, 1977. Applicant: SARTAIN TRUCK LINE, INC., 1354 North 2d Street, Memphis, Tenn. 38107. Applicant's representative: Mr. Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet cushion, rubber compound, moulded rubber products and products relating thereto, and materials, equipment and supplies used in the manufacture of all of the above commodities (except commodities in bulk)*, between Dyersburg, Tenn., on the one hand, and on the other, all points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Memphis, Tenn., or Nashville, Tenn.

No. MC 87379 (Sub-No. 20), filed November 2, 1977. Applicant: C. H. HOOKER TRUCKING CO., a corporation, 1475 Roanoke Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and plastic products, and materials, equipment and supplies used in the manufacture or distribution thereof*, (except commodities in bulk), from points in Tuscarawas County, Ohio, to points in Iowa, Rhode Island, New Hampshire, Minnesota, Maine, Missouri, and Vermont.

NOTE.—Applicant holds contract carrier authority in No. MC 126851 Sus 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Uhrichsville, Ohio.

No. MC 89684 (Sub-No. 100), filed October 17, 1977. Applicant: WYCOFF CO., INC., 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Kent W. Capener (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities which require special equipment, and household goods as defined by the Commission), restricted to the transportation of packages or articles each not exceeding 100 pounds in weight, and restricted against the transportation of shipments of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day, between Elko, Nev., on the one hand, and on the other, points in Washoe, Storey, Carson City, Humboldt, Pershing, Churchill, Lander, Eureka, and White Pine Counties, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 103926 (Sub-No. 64), filed November 2, 1977. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed or ground slate, in bags (except in bulk)*, from the facilities of Georgia Lightweight Aggregate Co., located at Polk County, Ga., to points in Alabama, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 104149 (Sub-No. 197), filed November 8, 1977. Applicant: OSBORNE TRUCK LINE, INC., P.O. Box 10727, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Alabama Engineering Supply Co., Inc., at or near Anniston, Dothan, and Montgomery, Ala., to points in Alabama, Georgia, Tennessee, Florida, Louisiana, Mississippi, Texas, Arkansas, Oklahoma, Kentucky, South Carolina, North Carolina, Kansas, Maryland, Missouri, Virginia, West Virginia, Pennsylvania, Illinois, Indiana, and Ohio, and, (2) *Materials, equipment and supplies* used in or in connection with the manufacture, production and distribution of iron and steel articles, from destination States named in (1) to the facilities of Alabama Engineering Supply Co., Inc., at or near Anniston, Dothan, and Montgomery, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 104896 (Sub-No. 51), filed October 28, 1977. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk); and (2) *equipment, materials, and supplies* used or useful in the conduct of such business (except commodities in bulk), from points in Delaware, Maryland, New York (except the New York, N.Y. Commercial Zone), and points in Ohio and West Virginia, to the facilities of Weis Markets, Inc., located at or near Milton, Sunbury, and Northumberland, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 105045 (Sub-No. 74), filed November 3, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical processing equipment and parts* for such equipment from the facilities of Vulcan Manufacturing Co., Cincinnati, Ohio to points in the United States (except Alaska, Hawaii, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Mississippi, Nebraska, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Cincinnati, Ohio, but modified procedure is suggested.

No. MC 105045 (Sub-No. 75), filed November 7, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and by-products) from the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa, to all points in the United States (except Alaska and Hawaii); (2) *materials, supplies, and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles) from all points in the United

States (except Alaska and Hawaii) to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill. or Washington, D.C.

No. MC 105566 (Sub-No. 153), filed November 1, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, air coolers, solar collectors, and tanks*, from Marshalltown, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 106074 (Sub-No. 53), filed November 3, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffice originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106644 (Sub-No. 244), filed November 2, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as *common carriers*, over irregular routes, by motor vehicle, transporting: such commodities as *Plastic pipe and plastic products and materials and supplies* used in the manufacture thereof (except commodities in bulk and those which because of size and weight require the use of special equipment), between points in Geneva County, Ala., on the one hand, and, on the other, points in the United States including Alaska (except Hawaii), and return shipments of the above described materials.

NOTE.—If an oral hearing is deemed necessary, we request it be held at either Mobile, Ala. or Washington, D.C.

No. MC 106644 (Sub-No. 245), filed November 7, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Frank Hall, suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Fiberglass products including fiberglass tanks and fiberglass pipe*, from Wilson, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If an oral hearing is deemed necessary, the applicant requests that it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 107295 (Sub-No. 866), filed November 7, 1977. Applicant: PREFAB 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: *Particleboard*, from Navajo (McKinley County), N. Mex., to points 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, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Phoenix, Ariz., or Denver, Colo.

No. MC 107515 (Sub-No. 1109), filed October 31, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Foodstuffs*, from the plantsite and warehouse facilities of Standard Brands Inc. at Atlanta and Doraville, Ga., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE.—Dual operations and common control may be involved. If an oral hearing is deemed to be necessary, applicant requests that it be held at New York City, N.Y.

No. MC 108006 (Sub-No. 25), filed September 29, 1977. Applicant: MAILSIN TRANSPORT LTD., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Applicant's representative: Edward L. Nehez, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc and wollastonite*, from Balmat and Hailesboro, N.Y., to the ports of entry on the International Boundary Line between the United States and Canada located at or near Champlain, Rouses Point, Alexandria Bay, and Trout River, N.Y., restricted to traffic moving in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 108375 (Sub-No. 39), filed October 31, 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 Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, electric motors, electrical equipment, switches, breakers*, and *accessories* and *related parts* to each of the foregoing, the transportation of which because of size or weight requires special equipment, (1) between points in Nebraska (restricted to shipments having an immediately subsequent movement by rail or water); (2) between points in Douglas, Sarpy, Cass, Otoe, Pawnee, Richardson, Nemaha, Burt, Colfax, Dodge, Johnson, Saunders, and Washington Counties, Nebr., on the one hand, and Oklahoma City, Okla., on the other; and (3) between points in Nebraska and Iowa, on the one hand, and Kansas, Missouri, and the Illinois portion of the St. Louis, Mo. commercial zone on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr. Common control may be involved.

No. MC 108375 (Sub-No. 41), filed November 7, 1977. Applicant: LEROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Ill. 60601. 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, and *related parts, materials, and supplies* when their transportation is incidental to the transportation of said commodities and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, (1) between points in Iowa, Nebraska, and

South Dakota; and (2) between points in Nebraska, on the one hand, and Kansas and Missouri, on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr. Common control may be involved.

No. MC 108393 (Sub-No. 126), filed October 12, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, room 126, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, (1) between points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Missouri, Ohio, Michigan, Wisconsin, New York, Pennsylvania, West Virginia, and Iowa, (3) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (4) between Minneapolis-St. Paul, Minn.; Dallas, Tex., and points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, District of Columbia, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Alabama, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, Wisconsin, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming, a non-radial movement.

Restrictions: (1) The service is subject to the following conditions: The operations are restricted against the transportation of commodities in bulk, in tank vehicles; (2) The operations are restricted to shipments originating at or destined to Sears, Roebuck and Co. retail stores, catalog outlets, distribution or merchandising centers, consolidation or warehousing facilities, and TFCA facilities; (3) The operations are limited to a transportation service to be performed, under a continuing contract or contracts with Sears, Roebuck and Co.; and (4) The operations in part (4) are further restricted to shipments which move to, from, or through two or more of the following cities: Atlanta, Ga., Boston, Mass., Chicago, Ill., Columbus, Ohio, Dallas, Tex., Greensboro, N.C., Jacksonville, Fla., Kansas City, Mo., Memphis, Tenn., Minneapolis-St. Paul, Minn., Philadelphia, Pa., North Bergen, N.J., and St. Louis, Mo.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Chicago, Ill.

No. MC 108449 (Sub-No. 404), filed November 7, 1977. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles from Alexandria, Minn., to all points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests thatit be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 109595 (Sub-No. 21), filed November 3, 1977. Applicant: REX TRANSPORTATION CO., a Corporation, Suite 207, Clausen Building, 1520 North Woodward Avenue, Bloomfield Hills, Mich. 48013. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Cement* between ports of entry on the International Boundary line between the United States and Canada, located on the Detroit and St. Clair Rivers, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, restricted to traffic destined to or originating within the Province of Ontario.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cleveland, Ohio, Detroit, Mich., or Chicago, Ill.

No. MC 110563 (Sub-No. 213), filed October 31, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, St. Route 29 North, Sidney, Ohio 45365. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut*, in mechanically refrigerated equipment, from the plantsites and warehouse facilities utilized by Rea-D-Pack Foods, Inc., located at or near North Norwich and Ontario Center, N.Y., to points in Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. Restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 111302 (Sub-No. 112), filed October 17, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen, P.O. Box 10470, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products thereof*, in bulk in tank vehicles: Part I, from the plantsite or warehouse facilities of Cargill Inc., located at or near Gainesville, Ga. to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas. Part II, from points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, to the plantsite or warehouse facilities of Cargill Inc. located at or near Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111812 (Sub-No. 541), filed November 2, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: David Peterson, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and not frozen from points in the Kansas City, Kans., Kansas City, Mo. Commercial Zone to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112822 (Sub-No. 432), filed October 27, 1977. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers (except in bulk), from Tulsa, Okla. to points in Arizona, Arkansas, California, Georgia, Iowa, Louisiana, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, Tennessee, Texas, and Wisconsin. Restricted to traffic originating at the facilities utilized by the STP Corporation and destined to the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Ft. Lauderdale or Miami, Fla.

No. MC 112822 (Sub-No. 435), filed October 27, 1977. Applicant: BRAY LINES INC., 14012 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: *Plastic articles*, including plastic caps and plastic containers (except in bulk), (1) from Yorkville, Ill., to points in Oklahoma; (2) from Cushing, Okla., to points in California, Illinois, Kansas, New Mexico, Oregon, Texas, and Utah; and (3) from Naperville, Ill., to points in California, Kansas, New Mexico, Oregon, Texas, and Utah. Restricted to traffic originating at the named origin points and destined to the named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Los Angeles, Calif.

No. MC 113651 (Sub-No. 236), filed November 3, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* from Weslaco, Tex. to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 113651 (Sub-No. 237), filed November 3, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from Kansas City, Mo. and Kansas City, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113651 (Sub-No. 238), filed November 4, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Green Bay, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Green Bay Dressed Beef, Inc., located at or near Green Bay, Wis. and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Green Bay, Wis.

No. MC 114015 (Sub-No. 22), filed November 7, 1977. Applicant: HUSS, INC., Highway 47 West, P.O. Box 666, Chase City, Va. 23924. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards* and such *materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned products (except commodities in bulk) over irregular routes, between Danville, Va., on the one hand, and on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, 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, under a continuing contract or contracts with United States Gypsum Co., located at Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 485), filed November 11, 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: *Drugs, medicine* and *related display* from Michigan City, Ind. to Kansas City, Mo.; and Houston, Tex. (except commodities in bulk), in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill. Common control may be involved.

No. MC 114132 (Sub-No. 4), filed October 13, 1977. Applicant: CHURNS TRUCK LINES, INC., P.O. Box 188, Highway 13, Eastville, Va. 23347. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in containers having a prior or subsequent movement by rail or water, (except commodities in bulk and Classes A and B explosives); (2) *empty containers* having a prior or subsequent movement by rail or water; and (3) *general commodities* (except commodities in bulk and Classes A and B explosives) (a) between points in Norfolk, Va. and its respective commercial zone; (b) between Norfolk, Hampton and Newport News, Va.; and (c) between Norfolk, Va. on the one hand, and on the other, points in Accomack, Charles City, Gloucester, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews Middlesex, Nansemond, New Kent, Northampton, Prince George, Southampton, Surry, Sussex and York Counties, Va.

NOTE.—Applicant states it intends to tack the above requested authority with its present authority in No. MC 114132 at Cape Charles, Va. to provide a through service between Baltimore, Md., Philadelphia, Pa. and New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va.

No. MC 114211 (Sub-No. 328), filed November 3, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Composition board*, from the facilities of Champion International Corporation, near Oxford, Mississippi to points in Arkansas, Kansas, Nebraska, Texas, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests consolidation at Columbus, Ohio or Washington, D.C., as similar applications of Poole Truck Line and Diamond Transportation System, Inc.

No. MC 114211 (Sub-No. 330), filed November 7, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Lumber, lumber mill products, forest and wood products*, from points in California to points in Iowa, Michigan, Ohio, Illinois, Indiana, Texas, Oklahoma, Arkansas, Louisiana, Wisconsin, Colorado, Montana, Wyoming, New Mexico, Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Kansas, and Missouri.

NOTE.—If a hearing is deemed necessary, we request it be held at San Francisco, Calif.

No. MC 114211 (Sub-No. 331), filed November 3, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: (1) *Plastic pipe, plastic pipe fittings*, and *accessories* used in the installation thereof (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts) from the facilities of Cresline Pipe Co., Inc. at Council Bluffs, Iowa, to all points in the United States (except Alaska and Hawaii); (2) *materials, supplies and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles), from all points in the United States (except Alaska and Hawaii) to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary, we request it be held at either Chicago, Illinois or Washington, D.C., at the same time and place as similar applications filed by Anderson Trucking Service, Inc., Brewer Trucking, Hilt Truck Line, Inc, R L Jeffries Trucking Co., Inc., Poole Truck Line, Inc., Sawyer Transport, Inc. and Werner Enterprises.

No. MC 114273 (Sub-No. 307), filed November 2, 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: *Calcium Carbide* (except in bulk in tank vehicles), from Ashtabula, Ohio, to St. Paul, Minn., and Milwaukee, Wis. Restricted to traffic originating at Ashtabula, Ohio, and destined to the facilities of Carpenter Bros., Inc., at or near St. Paul, Minn., and Milwaukee, Wis. Applicant states it is presently authorized to transport Ferro Alloys from Ashtabula, Ohio, to St. Paul and Milwaukee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 334), filed October 31, 1977. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *metal containers and container ends, accessories, materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight, require the use of special equipment), from Lakeville, Minn., to points in the United States in and east of Montana, Wyoming, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or St. Paul, Minn.

No. MC 114457 (Sub-No. 335), filed November 8, 1977. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper bags, wrapping paper, pulpboard, and paper products* from the facilities utilized by Gilman Paper Co., at or near St. Marys, Ga., to North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Missouri, Illinois, Indiana, Mississippi, Kentucky, Tennessee, Ohio, and West Virginia, and (B) *Materials, equipment and supplies* from North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, Missouri, Illinois, Indiana, Mississippi, Kentucky, Tennessee, Ohio, and West Virginia, to the facilities utilized by Gilman Paper Co., at or near St. Marys, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 336), filed November 2, 1977. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends, accessories, materials, and supplies used in connection with the manufacture and distribution of containers* (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between Worland, Wyo., on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 337), filed November 10, 1977. Applicant: DART TRANSIT CO., 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: *Frozen foods* from the plantsite and warehouse facilities of Banquet Foods Corp., at Madelia, Minn., to points in Illinois, Missouri, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114552 (Sub-No. 142), filed November 3, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *rough iron castings*, from the facilities utilized by Roberts Foundry Co., at or near Greenwood, S.C., to points in and East of Arkansas, Iowa, Minnesota, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at either Columbia, S.C., Charlotte, N.C., or Greenwood, S.C.

No. MC 114632 (Sub-No. 123), filed November 7, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. 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 Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plantsite of Columbia Foods, Inc., located at or near Wallula, Wash., to points in Kansas, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 114896 (Sub-No. 59), filed November 4, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as Applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *coin and currency*, from Springfield, Mass., to Hartford, Conn., under a continuing contract or contracts with Gas Mart, Inc., of Wethersfield, Conn.

NOTE.—Applicant holds common carrier authority in No. MC 140345, Sub 1, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Washington, D.C.

No. MC 115092 (Sub-No. 66), filed November 7, 1977. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals or mineral products* in containers, from points in Nye County, Nev., to points in the United States, including Alaska, but excluding Hawaii, and ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan, and New York.

NOTE.—Applicant states that it intends to apply for the complimentary Canadian authority to provide a direct single line service through the ports of entry at the above named States to the Provinces of Alberta, British Columbia, Manitoba, Ontario, Saskatchewan, and Quebec, Canada. If a hearing is deemed necessary, applicant requests that it be held at either Denver, Colo., or Las Vegas, Nev.

No. MC 115162 (Sub-No. 394), filed October 24, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in containers, from Kansas City, Kans., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *Empty containers* for petroleum products and petroleum-based materials and supplies (except commodities in bulk, in tank vehicles) from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin to Kansas City, Kans.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Washington, D.C., or Oklahoma City, Okla.

No. MC 115496 (Sub-No. 72), filed November 2, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Roofing and building materials, and materials used in the installation of such commodities* (except commodities in bulk), from Tuscaloosa, Ala. to points in Alabama, Florida, Georgia, Illinois, Kentucky, Indiana, Ohio, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *paper, felt, building, roofing or sheathing* from Knoxville, Tenn. to points in Alabama, Florida, Georgia, Illinois, Kentucky, Indiana, Ohio, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Tuscaloosa, Ala.

No. MC 115651 (Sub-No. 36), filed November 1, 1977. Applicant: KANEY TRANSPORTATION, INC., 7222 West Cunningham Road, Rockford, Ill. 61102. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th 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: *Solvents*, in bulk, in tank vehicles, from the plantsite and storage facilities of Amsco Division, Union Oil Co., located at or near Lemont, Ill., to points in Iowa, 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 115841 (Sub-No. 563), filed October 13, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: Elizabeth A. Purcell, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite and storage facilities of Burris Industries, Inc., at or near Prairie, Miss. to points in the United States (except Alaska and Hawaii) and, (2) *Materials, equipment and supplies* (except commodities in bulk) used in the manufacture, sale and distribution of new furniture from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Burris Industries, Inc., at or near Prairie, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Hickory, N.C., or Washington, D.C.

No. MC 115841 (Sub-No. 571), filed November 1, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Archbold, Ohio to points Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Toledo or Cleveland, Ohio or Washington, D.C.

No. MC 115841 (Sub-No. 572), filed November 4, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from the plant and warehouse facilities utilized by Kraft, Inc., at or near Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above-named origins and destined to the above-named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 116077 (Sub-No. 388), filed October 31, 1977. Applicant: ROBERTSON TANK LINES, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H Robertson, 500 West 16th Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, from Columbus, Miss., to points in Arizona, New Mexico, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La., or Dallas, Tex.

No. MC 116110 (Sub-No. 21), filed November 3, 1977. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1488, Dothan, Ala. 36301. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor ve-

hicle, transporting: (1) *Juvenile furniture, apparatus, equipment and vehicles;* and (2) *such materials, equipment and supplies* used or useful in the manufacture, production and distribution of the items in (1) above, between the plantsite and warehouse facilities of Hedstrom Co., at or near Dothan, Ala., and points in the United States (except Alaska and Hawaii) a nonradial movement.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 116280 (Sub-No. 18), filed October 31, 1977. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, coated paper, carbon paper, tickets, autographic register paper, and paper forms*, (1) from Fredericksburg, Va., to the Township of Bethel, Berks County, Pa.; (2) from the Township of Bethel, Berks County, Pa., to points in Pennsylvania; and (3) between Honesdale, Pa., on the one hand and on the other, Fredricksburg, Va.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 116300 (Sub-No. 30), filed November 2, 1977. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. 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: *Dry animal and fish food*, in packages or sacks, (1) from Tupelo, Miss. to points in Louisiana; and (2) from Red Bay, Ala. to points in Mississippi and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or Tupelo, Miss.

No. MC 116763 (Sub-No. 399), filed October 31, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Macaroni, noodles, spaghetti, vermicelli*, with or without cheese, meat, vegetables or other ingredients, and *soybean products* and *dried soup mix*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 116915 (Sub-No. 38), filed September 29, 1977. Applicant: ECK MILLER TRANSPORTATION CORP., 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and materials*, equipment and supplies used in the manufacture thereof, between the plantsites and facilities of Reynolds Metals Co. at or near Listerhill and Sheffield, Ala., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., Nashville, Tenn., or Louisville, Ky.

No. MC 117119 (Sub-No. 660), filed October 27, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72718. Applicant's representative: M. M. Geffon, P.O. Box 338, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fibre roofings and sidings* (except commodities which require special equipment), from Windgap, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 117644 (Sub-No.), filed October 31, 1977. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, 498 First Street Northwest, New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filters, purifiers, water softeners and pumps*, from St. Paul, Minn., to points in Wisconsin, Iowa, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New Jersey, New York, Maryland, Delaware, Connecticut, Rhode Island, and Massachusetts; and (2) *materials, equipment and supplies*, used in the manufacture of filters, purifiers, water softeners and pumps, from points in Wisconsin, Iowa, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New Jersey, New York, Maryland, Delaware, Connecticut, Rhode Island, and Massachusetts, to St. Paul, Minn., under a continuing contract or contracts with the Lindsay Division of Ecodyne.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn.

No. MC 117686 (Sub-No. 188), filed November 7, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 commodities in bulk, in tank vehicles, and hides), from Estherville, Iowa to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Alabama, Mississippi, and Louisiana, restricted to shipments originating at the plantsite and storage facilities of John Morrell & Co., located at or near Estherville, Iowa.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Las Vegas, Nev.

No. MC 117851 (Sub-No. 24), filed November 3, 1977. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and materials (except commodities in bulk), (a) from Delphi and Kokomo, Ind., to points in Wyoming; (b) from Gadsden, Ala., to points in Missouri and Wisconsin; (c) from Woodbridge, N.J., to points in Wisconsin and Wyoming; (d) from Alliance, Ohio, to points in Florida (except points west of the Apalachicola River), Georgia, and South Carolina; and (e) from Springville, Ala., to points in Michigan, Minnesota, and Mississippi; and (2) Commodities* (except in bulk) and *equipment* used or useful in the manufacture or assembly of plumbing supplies and materials, from points in the United States (except Alaska and Hawaii), to Delphi and Kokomo, Ind., Gadsden, Ala., and Woodbridge, N.J., under a continuing contract, or contracts, with Gerber Plumbing Fixtures Corporation, of Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118159 (Sub-No. 233), filed November 14, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department

stores (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk) and *furniture*, moving in mixed loads with the commodities in (1) above from the facilities utilized by Target Stores, Inc. located at or near Fridley, Minnesota to points in Texas, Oklahoma, Iowa, Missouri, Wisconsin, and Colorado; and (3) *returned shipments* of the commodities in (1) and (2) above from the above-described destination points to the facilities utilized by Target Stores, Inc. located at or near Fridley, Minn. Restricted in (1), (2), and (3) above to the transportation of shipments originating at the above-named origins and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 118745 (Sub-No. 20), filed October 27, 1977. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *wooden fencing*, from Camden, Perth Amboy, Port Elizabeth and Trenton, N.J. to points in Delaware, Maryland, New Jersey, and Pennsylvania, under a continuing contract with Warner Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Philadelphia, Pa.

No. MC 119726 (Sub-No. 110), filed November 7, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds*, and *absorbents* (except in bulk), from the plantsite and warehouse facilities of Oil-Dri Corporation of America, located at or near Ripley, Miss., to points in Colorado, Nebraska, Kansas (except Kansas City), Oklahoma, Texas, Minnesota (except Minneapolis), Missouri, (except Kansas City and St. Louis), Arkansas, Louisiana, Wisconsin, Michigan (except Detroit), Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania (except Pittsburgh), New York, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119726 (Sub-No. 111), filed November 7, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds* and *absorbents* (except in bulk), from the plantsite and warehouse facilities of Oil-Dri Corporation of America, located at or near Ochlocknee, Ga., to points in Colorado, Nebraska, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119789 (Sub-No. 384), filed November 7, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages* and *related advertising material*, from Fort Worth, Tex. to Dothan, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dothan or Birmingham, Ala.

No. MC 120430 (Sub-No. 12), filed November 8, 1977. Applicant: COASTAL TRANSPORT CO., INC., 6300 Richmond Avenue, suite 200, Houston, Tex. 77057. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Union Carbide Corp. at Texas City, Tex., to points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and New Mexico.

NOTE.—Applicant holds contract carrier authority in No. MC 134957 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Houston or Dallas, Tex.

No. MC 121060 (Sub-No. 50), filed October 27, 1977. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants*, and *materials* and *supplies* used in the installation thereof, from the facilities of Clow Corp., located at or near Lincoln (Talladega County), Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 121060 (Sub-No. 51), filed October 27, 1977. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, castings*, and *materials* and *supplies* used in the installation thereof, from the facilities of Clow Corp. located at Birmingham, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123004 (Sub-No. 9), filed November 7, 1977. Applicant: THE LUPER TRANSPORTATION CO., a corporation, 350 East 21st Street, Wichita, Kans. 67214. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. 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 commodities in bulk and hides), from the facilities of Sunflower Beef Co. at Wichita, Kans., to points in Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123061 (Sub-No. 92), filed October 28, 1977. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, Utah 84116. Applicant's representative: Harry D. Pugsley, Suite 1200, 310 South Main Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumbermill products*, from Washington and Oregon, to California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Salt Lake City, Utah.

No. MC 123157 (Sub-No. 36), filed November 4, 1977. Applicant: CTI, a corporation, P.O. Box 397, Rillito, Ariz. 85246. Applicant's representative:

A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lime*, from the facilities of The Flintkote Co., U.S. Lime Division, in Clark County, Nev. and at Nelson, Ariz., to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Phoenix, Ariz. or Los Angeles, Calif.

No. MC 123392 (Sub-No. 75), filed November 14, 1977. Applicant: JACK B. KELLEY, INC., Rt. 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed methane gas*, in bulk, in tube trailers from Oakland, Calif., to Harrison, N.J.

NOTE.—If a hearing is deemed necessary the applicant prefers that the hearing be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 123476 (Sub-No. 29), filed November 4, 1977. Applicant: CURTIS TRANSPORT, INC., 3616 Jeffco Blvd., P.O. Box 388, Arnold, Mo. 63010. Applicant's representative: David G. Dimit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, metal* or *fiber*, or metal and fiber combined, from Cleveland and Van Wert, Ohio, to the facilities of Dow Chemical Co. at or near Midland, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Detroit, Mich., or Columbus, Ohio.

No. MC 123744 (Sub-No. 33), filed October 31, 1977. Applicant: BUTLER TRUCKING CO., a corporation, Box 88, Woodland, Pa. 16881. Applicants representative: E. Steward Butler (same address as applicant). Authority sought to operate as a *common carrier* over irregular route

s, transporting: *Clay*, from Bath, S.C., to Curwensville, Womelsdorf, and Mt. Union, Pa; and Farber, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 123872 (Sub-No. 77), filed November 7, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicants representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. 28601. 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 packing houses, as described in Sections A & 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 shipping facilities of Dubuque Packing Co. located at or near Denison, Iowa, to points in Alabama and Mississippi located on and north of Interstate Highway 20, restricted to traffic originating at named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Charlotte, N.C.

No. MC 124679 (Sub-No. 84), filed October 31, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery* (except in bulk) (in vehicles requiring mechanical refrigeration) from the plantsites and/or storage facilities of M & M/Mars located at Elizabethtown, Pa. and Hackettstown, N.J. to points in Arizona, California, Oregon, Utah, and Washington, restricted to shipments originating at and destined to the above-listed origins and destinations.

NOTE.—The purpose of this application is to substitute single-line service for existing joint line operations. Applicant holds motor contract carrier authority in No. MC 128813, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York City, N.Y. or Salt Lake City, Utah.

No. MC 124679 (Sub-No. 85), filed October 13, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing gum, confectionary and cough drops*, from the plantsites and storage facilities of Life Savers Inc., at Havertown, Pa.; Canajoharie, and Port Chester, N.Y., to San Jose, Calif., and Milwaukie, Oreg.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128813 sub 2, and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Salt Lake City, Utah.

No. MC 124896 (Sub-No. 35), filed October 31, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and warehouse facilities of E.J. Brach & Sons at or near Chicago and Carol Stream, Ill., to points in Alabama, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, and Virginia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 199), filed October 27, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, zeolite*, between California, Arizona, and Nevada, on the one hand, and on the other hand, points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126079 (Sub-No. 6), filed November 4, 1977. Applicant: STOUT CORP., P.O. BOX 186, Provo, Utah 84106. Applicant's representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe* and *related installation materials*, from Fontana, Calif., to points in Utah, Colorado, Arizona, New Mexico, and Nevada under a continuing contract or contracts with Pacific Corrugated Pipe located at Fontana, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 128007 (Sub-No. 113), filed October 31, 1977. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Well sealing mixture*, from points in Benton County, Ark., to points in Arizona, California, Nebraska, and Utah; and (2) *materials and supplies* used or useful in the manufacture and production of well sealing mixture, from points in Tennessee, and Greenville, N.C., to points in Benton County, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128205 (Sub-No. 40), filed November 7, 1977. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, Ill. 60628. Applicant's representa-

tive: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Haydite*, in bulk, in hopper type vehicles, from the plantsite of Hydraulic Press Brick Co. located in Brooklyn, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 128246 (Sub-No. 22) (correction), filed September 27, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished as corrected this issue. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 500 The Swenson Building, 777 North 1st Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Clovis, N. Mex., to points in Arizona, California, and Nevada, restricted to a transportation service to be performed under a continuing contract or contracts with Swift & Co. of Chicago, Ill.

NOTE.—The purpose of this republication is to indicate the correct commodity description. The authority sought involves only the territorial expansion of the present contract carrier service being provided by the applicant under a continuing contract or contracts with Swift & Co. of Chicago, Ill. If a hearing is deemed necessary, applicant requests that it be held at either San Francisco or Los Angeles, Calif.

No. MC 129063 (Sub-No. 15), filed November 4, 1977. Applicant: JIMMY T. WOOD, P.O. BOX 248, Ripley, Tenn. 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *meat and bone meal*, in bulk, from Memphis, Tenn., to points in Arkansas, Alabama, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, Tenn.

No. MC 129296 (Sub-No. 2), filed November 8, 1977. Applicant: M&D HAULING, INC., 260 Jordan Avenue, Montoursville, Pa. 17754. 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: (1) *Salt and salt products* (except in bulk), (2) *pepper* (except in bulk), in mixed loads with salt, and (3) *animal mineral feed mixtures* (except in bulk), in mixed loads with salt from Silver Springs, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C. Common control may be involved.

No. MC 129301 (Sub-No. 7), filed October 13, 1977. Applicant: ENGLISH AND SONS CORP., 412 Kingshighway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, cold pack or frozen, canned, preserved or prepared, and (2) *Pet food*, between Camden, N.J., on the one hand, and, on the other, points in Delaware, points in Nassau, Suffolk, Westchester and Rockland Counties, N.Y.; New York, N.Y., and points in Maryland east of a line beginning at U.S. Highway 15 on the Maryland-Pennsylvania State line, thence over U.S. Highway 15 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 495, to the Maryland-Virginia State line, including points in Maryland east of the Potomac River; and the District of Columbia, under a continuing contract, or contracts, with Campbell Soup Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C. Applicant holds common carrier authority in No. MC 135966, therefore, dual operations may be involved.

No. MC 129480 (Sub-No. 31), filed November 1, 1977. Applicant: TRILINE EXPRESSWAYS, LTD., 550-71 Avenue SE., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Thomas J. Burke, Jr., 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: *adhesive materials*, (except in bulk), from Barberton, Ohio, to points on the United States-Canadian Border in Minnesota, North Dakota, and Montana, restricted to traffic destined to points in the Province of Alberta.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Billings, Mont., or Denver, Colo.

No. MC 129613 (Sub-No. 25), filed October 11, 1977. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paperboard and materials, supplies, and equipment* used in the manufacture thereof, between Halltown, W. Va., and points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, a nonradial movement, under a continuing contract or contracts with Halltown Paperboard Co.

NOTE.—Applicant holds motor common authority in No. MC 138000 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 129994 (Sub-No. 28), filed October 31, 1977. Applicant: RAY BETHERS TRUCKING, INC., a Utah corporation, 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *sand*, in bags, from points in Colorado to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Denver, Colo.

No. MC 133105 (Sub-No. 3), filed November 4, 1977. Applicant: ROBERT A JONES AND JOHN W. JONES, d.b.a. J AND J TRANSFER, P.O. Box 2201, Columbus, Ga. 31902. Applicant's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *corrugated boxes*, between the plantsite of Westvaco Corp., located in Columbus, Ga., on the one hand, and on the other, points in Autauga, Barbour, Bibb, Bullock, Butler, Calhoun, Chambers, Chilton, Clay, Cleburne, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Randolph, Russell, Saint Claire, Shelby, Talladega, and Tallapoosa Counties, Ala., and (2) *raw materials* used in the manufacture of the commodity named in (1) above, from the destination points named in (1) above, to the plantsite of Westvaco Corp., located at or near Columbus, Ga., under a continuing contract or contracts with Westvaco Corp. of New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga., or Atlanta, Ga.

No. MC 133377 (Sub-No. 13), filed November 14, 1977. Applicant: COMMERCIAL SERVICES, INC., 114 Memorial Road, Storm Lake, Iowa 50588. Applicant's representative: Thomas E.

Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. 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 766 (except hides and commodities in bulk), from Lyons, Nebr., to points in Colorado, restricted to traffic originating at Premier Boneless Meats at Lyons, Nebr., and destined to points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Kansas City, Mo., Omaha, Nebr., or Chicago, Ill.

No. MC 133689 (Sub-No. 150), filed October 27, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in section 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), and *foodstuffs* from the plantsites and/or storage facilities of Geo. A. Hormel & Co., located at Austin, Minn.; Fort Dodge and Algona, Iowa; and Fremont, Nebr., to points in Georgia, Tennessee, North Carolina, and South Carolina, restricted to product originating at the named origins and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 155), filed November 7, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products* from the plantsite and warehouse facilities of Northern Star located in Minneapolis-St. Paul, Minn., to points in Nebraska, restricted to shipments originating at the above-named origins and destined to the named State.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134105 (Sub-No. 22), filed October 28, 1977. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23d Street, Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, confectionery products, dessert preparations and coin operated vending machines and stands*, in vehicles equipped with mechanical refrigeration (except in bulk), from the facilities of Leaf Confectionery, Inc. at Chicago, Ill. to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134235 (Sub-No. 5), filed November 7, 1977. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Chagrin Falls, Ohio 44022. Applicant's representative: Ronald W. Malin, Bankers Trust Buidling, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Salt*, in bulk, in pneumatic equipment, from Silver Springs, Watkins Glen, and the town of Reading, (Schuyler County), N.Y. to points in Maine, Massachusetts, New Hampshire, Vermont, Connecticut, Rhode Island, Pennsylvania, and New Jersey.

NOTE.—Applicant holds contract carrier authority in No. MC 138194, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134286 (Sub-No. 35), filed November 8, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and/or warehouse facilities utilized by La Choy Food Products, a division of Beatrice Foods Co., at or near Archbold, Ohio, to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 134349 (Sub-No. 22), filed November 7, 1977. Applicant: B.L.T. CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Eugene M. Malkin, suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint drying catalysts; toxic and/or corrosive pesticides and fungicides; paint additives; ketoximes; and mercury, cobalt and lead compounds* (except in bulk), from Newark, N.J., to points in Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and Virginia, under a continuing contract or contracts with Troy Chemical Corp., N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 134369 (Sub-No. 8), filed November 7, 1977. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, Ill. 61010. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and sand with additives*, in bulk, in tank or hopper-type vehicles equipped with pneumatic or conveyor unloading systems, from Oregon, Ill., to points in the United States on and east of U.S. Highway 85; and (2) *foundry aggregates*, in bulk, in tank or hopper-type vehicles equipped with pneumatic or conveyor unloading systems, from points in the United States on and east of U.S. Highway 85 to points in Illinois, Indiana, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 134501 (Sub-No. 24), filed November 7, 1977. Applicant: INCORPORATED CARRIERS, LTD., a division of Brooks International, Inc., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Laramie, Wyo., to points in Arkansas (except points in Sebastian and Crawford counties), Idaho, Illinois, Michigan, Minnesota, Montana, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and the District of Columbia; and (2) *New fixtures*, from Laramie, Wyo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo.

No. MC 134755 (Sub-No. 115), filed October 13, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. 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: (1) *Material and supplies* (except in bulk) used in the manufacture of crockpots, household appliances, furnaces, stoves, heaters, and garage doors, from points in New Jersey, Pennsylvania, Ohio, and West Virgin-

ia, to Sweet Springs, Albany, Clinton, Sedalia, Kansas City, and Valley Park, Mo.; and (2) *Tile* from East Canton, Ohio to points in Missouri, Kansas, Arkansas, and Oklahoma.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in No. MC 138398 (Sub-No. 2) and other subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 135007 (Sub-No. 62), filed November 7, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 P Street, Omaha, Nebr. 68127. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, Mo. 64141. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *meat, 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/or warehouse facilities utilized by Iowa Beef Processors, Inc., located at or near Denison and Fort Dodge, Iowa, Luverne, Minn., and Dakota City and West Point, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under a continuing contract with Iowa Beef Processors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa. Applicant holds common carrier authority in No. MC 135078 (Sub-No. 2) and other subs thereunder, therefore, dual operations may be involved.

No. MC 135072 (Sub-No. 10), filed November 14, 1977. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail establishments, and *materials and supplies* used in conducting such business, between the storage facilities of Century Housewares, Inc., at Hamburg, N.Y., on the one hand, and on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, and West Virginia, under continuing contract or contracts with Century Housewares, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 135283 (Sub-No. 28), filed October 13, 1977. GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhr Road, 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: (1) *Malt beverages*, from Milwaukee, Wis., to Lincoln, Nebr., and points in Nebraska on and west of U.S. Highway 281; and (2) *empty malt beverage containers*, from Lincoln, Nebr., and points in Nebraska on and west of U.S. Highway 281 to Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Grand Island, Nebr., or Lincoln, Nebr.

No. MC 1 35325 (Sub-No. 5), filed November 3, 1977. Applicant: WEMCO, INC., 10111 Mercier, Dearborn, Mich. 48120. 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: *Bentonite* in bags and in pneumatic tank vehicles from Detroit, Mich., to points in Indiana and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lansing, Mich., Detroit, Mich., or Washington, D.C. Common control may be involved.

No. MC 135598 (Sub-No. 8), filed November 10, 1977. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, Ill. 62301. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt Beverages*, from Milwaukee, Wis., to Quincy, Ill. (2) *Dry animal and poultry feed; animal and poultry tonics, insecticides* (other than agricultural); and *livestock and poultry feeders*, from the plantsite of Moorman Mfg. Co., located at or near Alpha, Ill., to points in Wisconsin and Iowa. Restricted to traffic originating at the said plantsite and destined to the named States. (3) (a) *Animal and poultry feeds and animal and poultry mineral mixes, animal and poultry tonics and medicines, dry earth paint, insecticides and premiums and advertising matter related to such products*, from Quincy, Ill., to points in Kentucky, Tennessee, and Alabama. Restricted to traffic originating at the plantsite and facilities of Moorman Mfg. Co., located at Quincy, Ill., and destined to the States named herein; (b) *Such ingredients as are used in animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint and insecticides, and bags and containers*, from points in Kentucky and Tennessee to the plantsite of Moorman Mfg. Co., located at Quincy, Ill. Restricted to traffic originating in Kentucky and Tennessee and destined to the plantsite of Moorman Mfg. Co., at Quincy, Ill. (c) *Livestock and poultry feeders and equipment*, from the plantsite of Moorman Mfg. Co., located at Quincy, Ill., to points in Kentucky, Tennessee, and Alabama. Restricted to traffic originating at the plantsite of Moorman Mfg. Co., located at Quincy, Ill., and destined to points in Kentucky, Tennessee, and Alabama.

NOTE.—Applicant presently holds Permits to provide the service for which authority is sought herein in Docket No. MC 138314 and Subs 2 and 3. This application is being filed so that all of the applicant's authority will be that of a common carrier. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 135616 (Sub-No. 12), filed November 7, 1977. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and materials, equipment, and supplies*, used in the manufacture and distribution of glass (except commodities in bulk), between the facilities of Tempglass, Inc., located at or near Perrysburg, Ohio, on the one hand, and on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Tempglass, Inc., of Perrysburg, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Toledo, Ohio.

No. MC 135732 (Sub-No. 28), filed November 8, 1977. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Plastic Articles, Materials, equipment, and supplies* used in the manufacture and sale of plastic articles (except commodities in bulk), between the facilities of Edison Plastics Co., South Plainfield, N.J., and Washington, Ga., on the one hand, and on the other, points in California, and points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas. Restricted to shipments originating at and destined to the above described points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135861 (Sub-No. 20), filed October 31, 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: *Drugs and medicines and related advertising materials and display racks*, from the facilities of E. R. Squibb & Sons, Inc., at New Brunswick, Somerset, and South Plainfield, N.J., to La Mirada, Calif., and Houston, Tex., under continuing contract, or contracts, with E. R. Squibbs & Sons, Inc., New Brunswick, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas or Fort Worth, Tex.

No. MC 138198 (Sub-No. 5), filed November 7, 1977. Applicant: S P D TRUCK LINE, INC., Opalena at Cottage, Abilene, Kans. 67401. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale or retail discount or variety stores*, (1) from points in Arkansas, Colorado, Iowa, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming, and Minnesota, to points in South Dakota, and (2) from points in South Dakota and Illinois, to points in Colorado, Iowa, Kansas, Nebraska, New Mexico, Texas, Wyoming, and Minnesota, under a continuing contract or contracts with Duckwall Stores, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 138328 (Sub-No. 43), filed October 3, 1977. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (not frozen), in containers, from Stockton, Modesto, Pittsburg, and Antioch, Calif. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities utilized by Tillie Lewis Foods, Inc. at the named origins and destined to the named destination States.

NOTE.—The purpose of this application is to convert applicant's permits held in MC 133233 (Sub-Nos. 33 and 45) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138328 (Sub-No. 49), filed October 27, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, P.O. Box 37308, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sterno fireplace logs*, from Travis County, Tex., to points in the United States (except points in Arizona, California, Montana, Nevada, Oregon, Texas, Utah, Washington, Wyoming, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo. Applicant holds contract carrier authority in MC 133233 (Sub-No. 1) and Subs thereunder, therefore dual operation may be involved.

No. MC 138328 (Sub-No. 50), filed October 27, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, P.O. Box 37308, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fire retardant* (except in bulk in tank vehicles), from the facil'ties of Southern Clay Products, Inc. located in Gonzales County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Austin, Tex. or Omaha, Nebr. Applicant holds contract carrier authority in MC 133233 (Sub-No. 1) and other Subs therefore, dual operation may be involved.

No. MC 138395 (Sub-No. 10), filed November 2, 1977. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products, materials and supplies* used in the installation thereof, between the plantsite of Moducrete Corp. at or near Delmar, Del., on the one hand, and, on the other, points in Kent, Queen Anne's, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md. and Accomack and Northampton Counties, Va.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salisbury, Md.

No. MC 138468 (Sub-No. 3) (correction), filed August 29, 1977, and published in the FEDERAL REGISTER issue of October 20, 1977, and republished this issue. Applicant: BI-COUNTY TRUCKING, INC., Route 1, Box 210, Warden, Wash. 98857. Applicant's representative: Charles C. Flower, 303 D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, between Adams, Benton, Franklin, Grant, Walla Walla, and Yakima Counties, Wash., and Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties, Oreg.; and Latah, Kootenai, Nez Pierce, and Shoshone Counties, Idaho; (2) *liquid fertilizer*, between Whitman County, Wash.; and Benewah, Latah and Lewis Counties, Idaho; (3) *liquid feed supplements*, between Grant County, Wash., and Misoula, Ravelli, and Teton Counties, Mont., a nonradial movement. The purpose of this republication is to correct applicant's territorial description in (2) above.

NOTE.—If a hearing is determined necessary, applicant requests that it be held at Yakima, Wash.

No. MC 138469 (Sub-No. 47), filed September 29, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile glass*, from the facilities of Libbey-Owens-Ford Co. in Toledo, Ohio to El Paso and Lubbock, Tex., Phoenix and Tucson, Ariz. and Lathrop, Calif., restricted to the transportation of traffic originating at the above-named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 136375 (Sub-1) and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio, or Detroit, Mich.

No. MC 139021 (Sub-No. 8), filed November 2, 1977. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, Michigan City, Ind. 46360. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in truckaway service, from the plantsite of Bivouac Industries, Inc., located at or near Vandalia, Mich., 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 Washington, D.C.

No. MC 139233 (Sub-No. 5), filed October 3, 1977. Applicant: MELVIN T. DICKERSON, INC., Route 2 Box 337, Dallas, Oreg. 97338. Applicant's representative: Gayle Bergstrom, 11150

Southwest Allen Avenue, Beaverton, Oreg. 97005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, Frozen, and Prepared Foods*, from points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Oklahoma, Ohio, Texas, Wisconsin, and Washington to Oregon, under a continuing contract with Reser's Fine Foods, Inc., located at Beaverton, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salem, Oreg. or Portland, Oreg.

No. MC 139482 (Sub-No. 27), filed November 7, 1977. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Sioux City, Iowa to points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 139482 (Sub-No. 28), filed November 7, 1977. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* from plant and warehouse facilities of Green Giant Co., located at or near Belvidere, Ill., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be at Minneapolis or St. Paul, Minn.

No. MC 139495 (Sub-No. 278), filed November 2, 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: *Motors, generators, controllers, power transmission equipment and machinery, and parts and accessories* thereof (except those commodities which because of their size or weight require the use of special equipment) from Lawrenceburg, Ky. to points in Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 283), filed November 4, 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: *Toilet preparations, buffing and polishing compounds, sweetening compounds, foodstuffs, and fertilizer and fertilizing compounds* (except commodities in bulk, in tank vehicles), (1) from the facilities of Alberto-Culver Co. located at or near Melrose Park, Ill. to points in California, Oregon, and Washington; and (2) from the facilities of Alberto-Culver Co. located at or near Los Angeles, Calif. to points in Oregon, Washington, and Melrose Park, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 139923 (Sub-No. 37), filed November 8, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain and drapery rods, hardware, accessories, and parts thereof, and bath and shower accessories, hardware, and parts thereof*, from the facilities of or utilized by Kirsch Co., located at or near Scottsville, Ky. to points in Arizona, California, Colorado, Missouri, Texas, and Washington, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 139973 (Sub-No. 35), filed October 27, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Jacksonville, Ill. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Virginia, District of Columbia, Connecticut, New York, Pennsylvania, New Jersey, Delware, Maryland, and West Virginia.

NOTE.—Applicant holds motor contract carrier authority in MC 139385 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Dallas, Tex.

No. MC 140363 (Sub-No. 14), filed November 7, 1977. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70775. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Coal* and *coke*, in bulk, in dump trucks, between points in Louisiana, on the one hand, and, on the other, points in Alabama and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, or Baton Rouge, La.

No. MC 140768 (Sub-No. 11), filed November 4, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, 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: *Insulating material* (except in bulk) (1) from the plantsite of Fibreboard Corp. located at or near Grambling, La., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Illinois, Indiana, and Ohio; and (2) from the plantsite of Fibreboard Corp. located at or near Fruita, Colo., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Illinois, Indiana, and Ohio.

NOTE.—Applicant holds motor cotract authority in MC 134404 and Subs thereunder and, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 141124 (Sub-No. 12), filed November 7, 1977. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, Del. 19899. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, wood pulp* and *equipment, materials*, and *supplies* used in the operation of paper mills, between Woodland, Maine, Gilman, Vermont, Lyons Falls and Plattsburgh, N.Y., on the one hand, and, on the other, points in New York, Maryland, Virginia, Pennsylvania, Ohio, Indiana, West Virginia, Illinois, Michigan, Kentucky, Delaware, Maine, Connecticut, Massachusetts, Rhode Island, New Hampshire, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cincinnati or Columbus, Ohio.

No. MC 141320 (Sub-No. 9), filed November 3, 1977. Applicant: UNITED

STATES PRIORITY TRANSPORT, a Corporation, P.O. Box 522, Wheatley Heights, N.Y. 11798. Applicant's representative: Martin D. Friedman (same address as applicant). Authority is sought to operate as a *contract carrier* over irregular routes, by motor vehicle, in the transportation of: *Radiopharmaceuticals, medical isotopes, medical test kits* and *related apparatus*, between South Plainfield, N.J. and the New York City Commercial Zone, on the one hand, and, on the other, points in Bucks, Delaware, Lehigh, Northampton, Montgomery, and Philadelphia Counties, Pa.; points in Nassau, Rockland, New York, and Westchester Counties, N.Y.; points in Fairfield, Hartford, Middlesex, New Haven, and New London Counties, Conn.; points in Baltimore and Harford Counties, Md.; and points in Delaware, under a continuing contract or contracts with Medi-Physics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 141426 (Sub-No. 10), October 27, 1977. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, metal, plastic, paper, wax, clay, feldspar* and *wood articles* and *products*, foodstuffs, antipollution and biochemical apparatus, products used in radiological research, organic chemistry kits, bottle coating systems, talc, feldspar, candles, pottery, chinaware, ceramics, gift items, molds and machinery, parts and accessories for the above-described commodities, and materials, equipment and supplies used in the coating production, distribution, assembly, fabrication, manufacture or sale of the above-named commodities (except in bulk, in tank vehicles), between the plantsite of and facilities utilized by Wheaton Industries located at or near Miami, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Wheaton Industries of Millville, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141774 (Sub-No. 11), filed October 31, 1977. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wooden doors* from Tupelo, Miss., to points in Florida.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136378, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala. or Memphis, Tenn.

No. MC 142368 (Sub-No. 5), filed October 27, 1977. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, Calif. 91744. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* used in the repair, rebuilding, and refurbishing of freight trailers from Atlanta, Ga.; Chicago, Ill.; Cincinnati, Ohio; Denver, Colo.; Ft. Worth, Tex.; Huntington, W.Va.; Lynchburg, Va.; Mansfield, Mo; Memphis, Tenn.; Newark, N.J.; Portland, Oreg.; Salt Lake City, Utah; Seattle, Wash.; Tacoma, Wash.; and Washington Court House, Ohio, to City of Industry, Mira Loma, and Oakland, Calif., and (2) *returned shipments* of the described commodities from City of Industry, Mira Loma, and Oakland, Calif., to the origins shown in (1) above, restricted in parts (1) and (2) against the transportation of commodities in bulk and against those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Los Angeles, Calif.

No. MC 142994 (Sub-No. 5), filed November 2, 1977. Applicant: VIRGINIA COURIER SERVICE, INC., P.O. Box 287, Harrisonburg, Va. 22801. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicine and chemicals, and materials* and supplies used in the manufacture and distribution of the aforesaid commodities (except commodities in bulk), between Elkton, Va., on the one hand, and on the other, Putney, Ga.; Pittsburgh, Riverside, Philadelphia, and West Point, Pa.; Rahway, N.J.; Gaithersburg, and Baltimore, Md.; John F. Kennedy International Airport, Long Island, N.Y.; Dulles International Airport located at or near Chantilly, Va.; and Charlottesville Airport, Charlottesville, Va.; and the District of Columbia, restricted to the transportation of articles weighing in the aggregate more than 5,000 pounds moving from one consignor at one location to one consignee on any one day, and further restricted to the use of two axle vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 143059 (Sub-No. 4), filed November 3, 1977. Applicant: MERCER TRANSPORTATION CO., 12th and Main Streets, P.O. Box 11129, Louisville, Ky. 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings and connections*, and *materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), from Cleveland, Ohio; Stone Mountain, and Social Circle, Ga.; Bakersfield, Sun Valley and Santa Ana, Calif.; Pompano Beach, Fla.; Bristol, Ind.; and Houston, Tex., to points in the United States (except Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Los Angeles or San Francisco, Calif.

No. MC 143059 (Sub-No. 5), filed November 3, 1977. Applicant: MERCER TRANSPORTATION CO., 12th and Main Streets, P.O. Box 11129, Louisville, Ky. 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings and connections*, and *materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), from the facilities utilized by Celanese Plastics Co., located at or near Louisville, Ky.; St. Louis, Mo.; Tustin and Santa Anna, Calif.; and Hilliard, Ohio, 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 Cincinnati, Ohio, or Louisville, Ky.

No. MC 143059 (Sub-No. 6), filed November 4, 1977. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th and Main Streets, P.O. Box 11129, Louisville, Ky. 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, Plastic articles, plastic pipe, tubing, fittings, connections* and *materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk and tank vehicles), between the facilities utilized by Robintech Inc. located at or near Springfield, Ky.; Anderson, S.C.; and Vestal, N.Y., on the one hand, and on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C., or Louisville, Ky.

No. MC 143115 (Sub-No. 1), filed November 2, 1977. Applicant: LYLE O. LOWE, d.b.a. Lyle O. Lowe Trucking, 10905 North East 58th Avenue, Vancouver, Wash. 98665. Applicant's representative: Lawrence V. Smart, Jr., 419 North West 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, in shipper owned trailers, from Vancouver, Wash., to points in Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, and Colorado, and that port of entry on the international boundary line between the United States and Canada located at or near Blaine, Wash. restricted to transportation of shipments destined to British Columbia, under a continuing contract or contracts with Allied Upholstery Mfg., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Portland, Oreg.

No. MC 143378 (Sub-No. 3), filed november 2, 1977. Applicant: WESTERN PROVISIONERS, INC., P.O. Box 15861, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Utah, to points in California, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 143400 (Sub-No. 2), filed November 4, 1977. Applicant: NEIL J. MONAHAN AND LEILANI A. MONAHAN, d.b.a. Monahan Transportation, Route 4, Box, 305, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Salt, in packages*, from Winona, Minn. to points in Wisconsin, under a continuing contract or contracts with Diamond Crystal Salt Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 143484 (Sub-No. 2), filed November 7, 1977. Applicant: JOHNNY B. ROACH, Rt. 1, Box 30, Royston, Ga. 30662. Applicant's representative: Mike Ward, Farmers Mutual Exchange, P.O. Box 495, Royston, Ga. 30662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *lime* in bags and bulk, from Tyner, Tenn.; Andrews, N.C.; Anderson, and Owens, S.C., to Royston, Ga., under a continuing contract or contracts with Farmer's Mutual Exchange.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 143556 (Sub-No. 1), filed October 27, 1977. Applicant: DAHLSTROM'S INC., 401 Hill Road, Aberdeen, Wash. 98520. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *wood residuals*, including but not limited to sawdust and wood chips, from points in Grays Harbor County, Wash., to points in St. Helens and Columbia Counties, Oreg., under a continuing contract or contracts with Boise Cascade Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. Applicant holds common carrier authority in MC 129502, therefore dual operation may be involved.

No. MC 143582 (Sub-No. 2), filed October 27, 1977. Applicant: CHARLES McCULLOUGH, d.b.a. CHARLIE McCULLOUGH TRUCKING, Glenfield, N. Dak. 58443. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down steel farm storage structures and parts and accessories* for knocked down steel farm storage structures from Morton and Taylorville, Ill., and Falls City, Nebr., to points in North Dakota, points in Minnesota on and west of U.S. Highway 71, and points in South Dakota on and north of U.S. Highway 212, under continuing contract or contracts with E.E.E. Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn., or St. Paul, Minn.

No. MC 143658 (Sub-No. 1), filed November 4, 1977. Applicant: SIERRA TRUCKING CORP., 1490 East Second Street, Reno, Nev. 89502. Applicant's representative: Mike Soumbeniotis, 402 North Division Street, P.O. Box 646, Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Barite*, in bulk, in dump vehicles, from points in Nye County, Nev., to Rosamond (Kern County), Calif., (2) *soda ash*, (a) from Searles Lake (Inyo County), Calif., to Silver Peak (Esmeralda County), Nev., and Gabbs (Nye County), Nev.; and (b) from Mina (Mineral County), Nev., to Silver Peak (Esmeralda County), Nev., and Pinecreek-Rovana (Inyo County), Calif., (3) *lime*, from Searles Lake (Inyo County), Calif., to Weed Heights (Lyon County), Nev., Battle Mountain (Lander County), Nev., and Silver Peak (Esmeralda County), Nev.; and (4) *sulphuric acid*, from Railhead at Battle Mountain (Lander County), Nev., to Gabbs (Nye County), Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Reno, Nev.

No. MC 143662 (Sub-No. 1), filed November 7, 1977. Applicant: GENE E. VOIGT, doing business as GENE E. VOIGT TRUCKING, R.R. No. 2, Box 138, Marathon, Wis. 54448. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, ties, and wooden pallets*, from points in Marathon County, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Wausau, or Madison, Wis.

No. MC 143688 (Sub-No. 1), filed October 19, 1977. Applicant: PEARL CONTRACT CARRIERS, INC., route 4, Box 98, Lawton, Okla. 73501. Applicant's representative: C. L. Phillips, room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic Beverages*, in containers, from Altus, Ark.; Cutler, Guerne Ville, Madera, Modesto, San Jose, St. Helena, Sonoma, Calif.; Jacksonville, Fla.; Lawrenceburg, Ind.; Chicago, Pekin, Peoria, Plainfield, Lamont, Ill.; Clermont, Bardstown, Frankfort, Louisville, Lawrenceburg, Loretto, Owensboro, Paducah, Ky.; Baltimore, Md.; Allen Park, Detroit, Mich.; Kansas City, St. Louis, Mo.; Dayton, Jersey City, Kerney, Little Ferry, Newark, Lindon, Scobeyville, N.J.; Brooklyn, Fairborn, Long Island City, Manhattan, New Hyde Park, New York City, Queens, N.Y.; Cincinnati, Ohio; and Lynchburg, Tenn., to Oklahoma City, Okla., under a continuing contract or contracts with Central Liquor Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 143754 (Sub-No. 1), filed October 27, 1977. Applicant: MACZUK INDUSTRIES, INC., route 2, New Haven, Mo. 63068. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, liquid feed, and liquid feed ingredients* in bulk, in tank vehicles, from New Haven, Mo., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 143756 (Sub-No. 2), filed November 3, 1977. Applicant: JOHN N. GUNDERSON, d.b.a. GUNDERSON ENTERPRISES, White Earth, N. Dak. 58794. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Air heaters;* (2) *ductwork, accessories, parts and attachments* for air heaters, from Tioga, N. Dak., to points in the United States (including Alaska but excluding Hawaii); (3) *Materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of air heaters, from points in the United States (including Alaska but excluding Hawaii), to Tioga, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Bismarck or Fargo, N. Dak.; Billings, Mont.; or St. Paul, Minn.

No. MC 143861 (Sub-No. 1), filed October 27, 1977. Applicant: Foy D. Rigdon, 401 North 9th Street, Quincy, Fla. 32351. Applicant's representative: Felix A. Johnston, Jr., 1030 East Lafayette Street, suite 112, Tallahassee, Fla. 32301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, block ends and shavings* from points in Gadsden County, Fla., to points in Cook, Lowndes, and Early Counties, Ga., under continuing contract or contracts with Coastal Lumber Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tallahassee, Fla.

No. MC 143942 (Sub-No. 2), filed November 7, 1977. Applicant: MID-AMERICA DISTRIBUTION CENTERS, INC., 3970 Delp Street, Memphis, Tenn. 38118. Applicant's representative: Arthur J. Cerra, 2100 Ten-Main Center, P.O. Box 19251, Kansas City, No. 64141. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *such commodities as are dealt in and sold or utilized by retail discount department stores* in the conduct of their business, (1) between the warehouse of Wal Mart Stores, Inc., located in Memphis, Tenn., on the one hand, and on the other, the warehouses of Wal Mart Stores, Inc., located in Kansas City and St. Louis, Mo.; Little Rock, Ark.; Tulsa, Okla.; and Dallas, Tex.; and (2) from the warehouses of Wal Mart Stores, Inc., located in Memphis, Tenn., to Wal Mart stores in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, under a continuing contract or contracts with Wal Mart Stores, Inc.,

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo. Common control may be involved.

No. MC 143946 (Sub-No. 1), filed November 7, 1977. Applicant: ROYAL TRANSPORT, INC., P.O. Box 4097, Irving, Tex. 75061. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *electrical appliances, and parts*, as defined by the Commission in descriptions in motor carrier certificates, 61 M.C.C. 283, appendix VII, from the plantsite and warehouse facilities of the Gibson Metalux Corp., at or near Americus, Ga., to points in the United States (except Alaska, Florida, Georgia, and Hawaii).

NOTE.—If oral hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Dallas, Tex.

No. MC 143989, filed November 14, 1977. Applicant: GREEN MOUNTAIN CARRIERS, INC., R.D. 1, Box 150, Westerlo, N.Y. 12193. Applicant's representative: Philip H. Hoff, 192 College Street, Burlington, Vt. 05401. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printing* other than newsprint, from Glens Falls, N.Y. to points in Delaware, Maryland, New Jersey, Pennsylvania, and West Virginia, under continuing contract or contracts with Finch, Pruyn and Co., Glens Falls, N.Y.

NOTE.—Applicant holds common carrier authority under MC 136647 (Sub-No. 8), and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y., Washington, D.C., or Burlington Vt.

No. MC 144005, filed November 3, 1977. Applicant: ALLSTATES MOVING & STORAGE CO., 7847 South 196th (P.O. Box 213), Renton, Wash. 98055. Applicant's representative: Henry C. Winters, 235 Evergreen Building, 15 South Grady Way, Renton, Wash. 98055. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* (restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic), between points in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash.

No. MC 144009, filed November 11, 1977. Applicant: ALLSTATES TRANS-WORLD VAN LINES, INC., 5736 Martin Luther King Drive, St. Louis, Mo. 63112. Applicant's representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority is sought to operate over irregular routes as a *common carrier of household goods*, between points in the United States (including Alaska but excluding New Hampshire, Vermont, and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., St. Louis, Mo., and Los Angeles, Calif.

No. MC 84728 (Sub-No. 65), filed October 20, 1977. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. 20005. Applicant's representative: Eugene T. Liipfert, suite 1000, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, and express and newspapers, in the same vehicle with passengers*, in special operations, (1) Over regular routes, between New York, N.Y. and Atlantic City, N.J.; from New York, N.Y., over Interstate Highway 495 to junction New Jersey Turnpike (Interstate Highway 95), thence over New Jersey Turnpike to junction access highway at Interchange No. 11, thence over access highway to junction Garden State Parkway, thence over Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, N.J., and return over the same route, serving no intermediate points, except serving Interchange 13 on the New Jersey Turnpike for purposes of joinder only. (2) Over irregular routes, between points in Nassau and Suffolk Counties, N.Y., on the one hand and on the other, New York, N.Y.; restricted to traffic moving to or from Atlantic City, N.J. in special operations. (3) Over regular routes, between the junction of New Jersey Turnpike with New Jersey Highway 73 and Atlantic City, N.J.; from junction of New Jersey Turnpike and New Jersey Highway 73, thence over New Jersey Highway 73 to its junction with Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, and return over the same route, serving no intermediate points. (4) Over regular routes, between Alexandria, Va. and the junction of Interstate Highway 295 (Anacostia Freeway, Kenilworth Avenue) with the Baltimore-Washington Parkway; from Alexandria, Va., over Interstate Highway 495 to its junction with Interstate Highway 295, thence over Interstate Highway 295 to its junction with the Baltimore-Washington Parkway, Serving the junction of Interstate Highway 295 and the Baltimore-Washington Parkway for

purposes of joinder only; restricted to traffic moving to or from Atlantic City, N.J. in special operations. (5) Over irregular routes, between points in Prince Georges County, Md., on the one hand and on the other, the junction of Maryland Highway 197 with the Baltimore-Washington Parkway; restricted to traffic moving to or from Atlantic City, N.J. in special operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.; Washington, D.C.; or Atlantic City, N.J.

No. MC 139726 (Sub-No. 2), filed November 1, 1977. Applicant: CONNERSVILLE TRANSIT, INC., 217 East Sixth Street, Connersville, Ind. 47331. Applicant's representative: Edgar M. Hymans, 1587 Elizabeth Place, Cincinnati, Ohio 45237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round trip charter movements, beginning and ending in Fayette, Union, and Franklin Counties, Ind., and extending to points in the United States, (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 141369 (Sub-No. 2), filed November 2, 1977. Applicant: V.I.P. LIMOUSINE, INC., 11 Brownhouse Road, Stamford, Conn. 06902. Applicant's representative: Gunter von Conrad, 1819 H Street 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 special operations, restricted to the transportation of no more than seven passengers in one vehicle at one time, not including the driver, between points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either New York City, N.Y., or Hartford, Conn.

No. MC 143928, filed October 25, 1977. Applicant: TRANSPORT BLAINVILLE INC., Autoroute 640, St-Eustache, P.Q., Canada. Applicant's representative: Adrien R. Paquette, 200 St. James West, Montreal, Canada, H2Y, 1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations beginning and ending at ports of entry on the International Boundary line between the United States and Canada, located at points in New York, Vermont, New Hampshire, and Maine and extending to points in United States (except Alaska and Hawaii) with traffic originating at or destined to the following points in the Province of Quebec: Ste-Therese de Blainville and Boisbriand.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Albany, N.Y., or Montpelier, Vt.

No. MC 144028, filed September 23, 1977. Applicant: GLOUCESTER NEW COMMUNITIES CO., INC., R.D. 2, Box 76A, Kings Highway, Swedesboro, N.J. 08085. Applicant's representative: Harris Y. Cotton, 21 Delaware Street, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from points in Logan and Woolwich Townships (Gloucester County), N.J., to Philadelphia, Pa. and return.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Camden or Trenton, N.J.

No. FF 506, filed November 3, 1977. Applicant: ARNOLD INTERNATIONAL MOVERS, INC., 2600 West Broadway, Louisville, Ky. 40211. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., suite 1200, Washington, D.C. 20036. Authority sought to operate as a *freight forwarder*, by railroad, motor vehicle, water, express, in the transportation of: (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, restricted in (b) to the transportation of export-import traffic, between points in the United States, including Hawaii, but excluding Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240), and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12919 (supplement), FEDERAL REGISTER publication of August 19, 1976. BROOKS TRANSPORTATION, INC., also seeks to purchase the following authority from Cheyenne Express, Inc., under MC-F-12919: Irregular routes: *Water heaters*, from the facilities of A. O. Smith Corp., at or near Kankakee, Ill., to points in Arizona, California, and Nevada, with no transportation for compensation on return except as otherwise authorized. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular route authority unless specifically authorized herein.

No. MC-F-13285. Authority sought for purchase by PROVISIONER'S FROZEN EXPRESS, INC., P.O. Box 24507, Seattle, Wash. 98124, of the operating rights of Jerry Atkinson, d.b.a. Jerry Atkinson Co., P.O. Box 25405, Albuquerque, N. Mex. 87125. Applicants' attorney: Jack Smith, 1600 Western Bank Building, Albuquerque, N. Mex. 87102. Operating rights to be transferred: Transportation of (1) *meats, meat products, meat by-products, and dairy products*, as described in sections A and B of appendix 1 to the report in descriptions in motor carrier certificates, of I.C.C. 209 and 766, and (2) of *foodstuffs*, (1) between points in New Mexico, and (2) between points in New Mexico, on the one hand, and on the other, points in El Paso County, Tex., and points in Montezuma, LaPlata, Archuleta, Conejos, and Costilla Counties, Colo., as a common carrier by motor vehicle over irregular routes. Vendee is authorized to operate as a common carrier in Washington, Oregon, Idaho, Colorado, Utah, Montana, New Mexico, California, New York, New Jersey, Maryland, Pennsylvania, Massachusetts, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 117589 (Sub-No. 46), is a directly related matter.

No. MC-F-13326. Authority sought for purchase by CAMPBELL'S MOVING CO., INC., Trevose and Summerton Road, Trevose, Pa. 19047, of a portion of the operating rights of V. F. Warner & Son, Inc., 706 Anthony Drive, Champaign, Ill. 61802, and for acquisition by Joseph P., John R., and James F. Campbell, all of Trevose, Pa., of control of such rights through the transaction. Applicants' attorney: Robert J. Gallagher, Esq., 1000 Connecticut Avenue NW., suite 1200, Washington, D.C. 20036. Operating rights sought to be transferred: *Household goods* as defined by the Commission as a *common carrier* over irregular routes between Champaign, Ill., and points in Illinois within 50 miles of Champaign, on the one hand, and on the other, all points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa,

Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier*, in Alabama, Arizona, Arkansas, Colorado, 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, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 49392 (Sub-No. 6), is a directly related matter.

No. MC-F-13421. Authority sought for purchase by NORTH IOWA EXPRESS, INC., 1921 Northeast 58th Avenue, Des Moines, Iowa 50313, of the operating rights of JBH AND ASSOCIATES, INC., East Highway 30, Grand Island, Nebr. 68801, and for acquisition by Don Schneider, 1921 Northeast 58th Avenue, Des Moines, Iowa 50313, and Lee Stine, 4115 Leonard Place, Des Moines, Iowa 50310, of control of such rights through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Kearney, Nebr., and Omaha, Nebr., serving all intermediate points and serving the Cornhusker Ordinance Plant as an off-route point over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275; between Grand Island, Nebr., and Beatrice, Nebr., serving all intermediate points, those off-route points within 10 miles of the described route and the off-route points of Harvard and Henderson, Nebr., over Nebraska Highway 2, to Lincoln, Nebr., thence over U.S. Highway 77 to Beatrice, Nebr., between junction U.S. Highway 77, and Nebraska Highway 33, and junction Nebraska Highway 2 and U.S. Highway 81, north of York, Nebr., serving all intermediate points, those off-route points within 10 miles of the described route and the off-route points of Harvard and Henderson, Nebr., as set forth in Certificate No. MC 59059 (Sub-No. 5); *General commodities*, with exceptions, over irregular routes between points in Hall County, Nebr., those in that part of Hamilton County, Nebr., west of Nebraska Highway 14 and those in that part of Howard and Merrick Counties, Nebr., south of Nebraska Highway 92 and between points in Hall County, Nebr., those in that part of Hamilton County, Nebr., west of Nebraska Highway 14 and those in that part of Howard and Merrick Counties, Nebr., south of Nebraska Highway 92, on the one hand, and on the other, points in that part of Nebraska east of Nebraska Highway 61 (except Omaha, points on U.S. Highway 30, between Omaha and Grand Island, and points in Sherman, Valley, Howard, and Custer Counties, Nebr., as set forth in Certificate No. MC 59059 (Sub-No. 5); and *general commodities*, with usual exceptions over regular routes, serving the facilities of Western Electric Co., Inc., at or near Underwood, Iowa, in connection with carriers otherwise authorized regular route operations from and to Omaha, Nebr., as set forth in Certificate MC 59059 (Sub-No. 6). Vendee is authorized to operate as a *common carrier*, in Iowa and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13432. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309, of a portion of the operating rights of Eastern Express, Inc. (debtor in possession), 1450 Wabash Avenue, Terre Haute, Ind. 47808, and for acquisition by the Roush Voting Trust, 1077 Gorge Blvd., Akron, Ohio 44309, of control of such rights through the transaction. Applicants' attorneys: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014 and Roland Rice, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be purchased: *General commodities*, with usual exceptions, as a *common carrier*, over regular routes between Kansas City, Kans., and Denver, Colo., serving the intermediate points of Lawrence, Topeka, St. Mary, McPherson, Hutchison, Stafford, Dodge City, Cimarron, Herington, Hillsboro, Lyons, Great Bend, Larned, Wichita, Pratt, Ottawa, Emporia, and Buklin, Kans., and Colorado Springs, Colo., and those on U.S. Highways 40, 83, and 24, and Kansas Highway 18 between Manhattan, Kans., and Denver, Colo., including Manhattan and those between Garden City, Kans., and Pueblo, Colo., inclusive and Newton, Kans., and the off-route point of St. Johns, Kans.; between Russell, Kans., and Great Bend, Kans., serving no intermediate points; between Topeka, Kans. and junction U.S. Highway 54 and Kansas Highway 99, serving the intermediate points of Emporia and Madison, Kans.; between McPherson, Kans., and Hutchinson, Kans., serving no intermediate points, and between Kansas City, Kans., and Wichita, Kans., serving the intermediate points of Lawrence and Topeka, Kans., and the off-route points of Admire and Emporia, Kans., serving points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, points within 5 miles of Wichita, Kans., the site of the Goodyear plant at or near Topeka, Kans., the site of the Glenn L. Martin plant near Waterton, Colo., the United States Atomic Energy plant at or near Marshall, Colo., the site of 832d Air Force Specialized Depot at Pauline, Kans., and the site of the U.S. Naval Air Station at or near Yoder, Kans., as intermediate or off-route points; *general commodities*, with exceptions, over alternate routes, serving no intermediate points, between Great Bend, Kans., and Sugar City, Colo.; between Sugar City, Colo., and Pueblo, Colo.; between Oakley, Kans., and Limon, Colo.; between Limon, Colo., and Colorado Springs, Colo.; between Denver, Colo., and junction U.S. Highways 85 and 87 north of Castle Rock, Colo.; between Topeka, Kans., and Junction City, Kans.; *general commodities*, over irregular routes between Denver, Colo., points within 6 miles of Denver; *canned goods, beans, pickles, and seed* from Pueblo, Rock Ford, and Longmont, Colo., and points within 50 miles of Longmont, and those within 25 miles of Rocky Ford to Kansas City and St. Joseph, Mo., and points in Kansas, and *soap and soap products* from Kansas City, Kans., and Kansas City, Mo., to points in Kansas and those in that part of Colorado on and east of U.S. Highway 87; *General commodities*, with exceptions as a common carrier over regular routes serving the facilities of Western Electric Co., Inc., at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular route operation to and from Wichita, Kans. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13447. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, of a portion of the operating rights of Eastern Express, Inc., debtor in possession, 1450 Wabash Ave., Terre Haute, Ind., 47808 and for acquisition by Arkansas Best Corp., also of Fort Smith, Ark., of control of the rights through the purchase. Transferor's attorney: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Transferee's attorney: Thomas Harper, 510 North Greenwood, P.O. Box 43, Fort Smith, Ark. 72902. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over irregular routes between Philadelphia, Pa., on the one hand, and on the other, Wilmington, Del., and

points in Delaware, Montgomery, Bucks, and Chester Counties, Pa., and those in that part of New Jersey south and west of a line beginning at Trenton and extending through Juliustown and Port Republic, N.J., to Atlantic City, N.J. The operations authorized herein are restricted against the transportation of traffic moving between any two points both of which are contained herein, more fully described in Certificate No. MC 106943 (Sub-No. 96). Transferee is authorized to operate pursuant to Certificate No. MC 29910 and Subs as a common carrier of general and specific commodities in the States of Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Transferor proposes to tack this authority, if the transaction is approved, at Philadelphia with other authority being purchased from Akers Motor Freight, Inc., in docket No. MC-F-13396 now pending before this Commission (Temporary lease approved November 18, 1977). Approval of the proposed transaction will not result in transferee acquiring duplicating authority, a split of operating authority or dual operations. Application for temporary authority has been filed under section 210a(b) and, except as herein stated, this application is unrelated to any pending or simultaneously filed application.

No. MC-F-13448. Authority sought for purchase by WOODLINE MOTOR FREIGHT, INC., an Arkansas corporation, Russellville, Ark. 72801, of the operating rights and property of GREENWOOD & MANSFIELD TRUCK LINE, INC., an Arkansas corporation, 310 North B Street, Fort Smith, Ark. 72901, and for acquisition by MARSHALL WOOD, Russellville, Ark. 72801, of control of such rights through the transaction. Applicant's attorney: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Operating rights sought to be purchased: MC 9385, authorizing the transportation, as a *common carrier* by motor vehicle over regular routes of *General commodities* in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Mansfield, Ark., and Fort Smith, Ark., serving the intermediate points of Huntington and Greenwood, Ark., and those between Greenwood and Fort Smith, Ark., and the off-route point of Excelsior, Ark.: From Mansfield over U.S. Highway 71 to Fort Smith, and return over the same route. Between Hartford, Ark., and Fort Smith, Ark., serving all intermediate points: From Hartford over Arkansas Highway 45 to junction U.S. Highway 71, thence over U.S. Highway 71 to Fort Smith, and return over the same route. Vendee is authorized to operate as a common carrier in Arkansas. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13451. Authority sought for purchase by C.T. TRANSPORT INC., 880 Middlegate Road, Mississauga, Ontario, Canada L4Y 1M3, of a portion of the operating rights of BARNEY KOSOFSKY, d.b.a BARNEY'S CARTAGE CO. of Detroit, Mich. Also, for acquisition by Centra, Inc. of Sterling Heights, Mich., for control of the operating rights through such purchase and for control of Centra, Inc. by its stockholders T. J. Moroun (father), M. J. Moroun (son), F. V. McBrien, A. A. Moroun and V. L. Baks (daughters). Transferee attorney: Walter N. Bieneman, 100 West Long Lake Road, suite 102, Bloomfield Hills, Mich. 48013. Transferors attorney: Stanley Weingarden, 1100 Fisher Building, Detroit, Mich. 48202. Attorney for Lee Goddard, Inc., Possessor: Ronald J. Mastej, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over irregular route, between points and places in Detroit, Mich., including Detroit; also between Detroit, Mich., and the boundary of the United States and Canada, through the port of entry at Detroit as set forth in Certificate MC 82951. Transferee operates as a common carrier in Ontario and across the international boundary into Buffalo, N.Y. and adjacent areas under Certificate MC 141609 (Sub-No. 2). The authority being acquired will be tacked with transferees existing operations for the performance of through service between Ontario and Detroit, Mich. Transferee is affiliated with Central Transport, Inc. (MC 19311) and McKinlay Transport Ltd. (MC 123282) of Sterling Heights, Mich. Both of these affiliates are common motor carriers and both operate to and from Detroit, Mich. Approval of the proposed transaction will not result in (a) dual operations, (b) the splitting of operating authority, or (c) duplicating authority. Application has been filed for temporary authority under section 210a(b).

Operating Rights Application(s) Directly Related to Finance Proceedings

NOTICE

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 Rule 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 49392 (Sub-No. 6) (correction), filed November 15, 1977, published in the Federal Register issue of December 15, 1977, and republished, as corrected, this issue. Applicant: CAMPBELL'S MOVING CO., INC., Trevose and Summerton Road, Trevose, Pa. 19047. Applicant's representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue NW., suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts and the District of Columbia, on the one hand and on the other, all points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Note.—This is an application to eliminate the gateway of Champaign, Ill. and is a matter directly related to a section 5(2) proceeding in No. MC-F-13326, published in a previous section of this Federal Register issue. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. The purpose of this correction is to show the correct reference to the directly related finance proceeding.

No. MC 117589 (Sub-No. 46), filed December 6, 1977. Applicant: PROVISIONERS FROZEN EXPRESS, INC., P.O. Box 24507, Seattle, Wash. 98124. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen fish and fresh and frozen seafood*, when trans-

ported in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from points in Washington to points in New Mexico, (2) *frozen fruits, frozen vegetables, and frozen berries,* from points in Idaho, Washington (except Kennewick and Grandview, Wash.) and Oregon to points in New Mexico and El Paso County, Tex.; and (3) *frozen potatoes and frozen potato products,* from Ontario, Oreg. and points in Idaho, to points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Montezuma, La Plata, Archuleta, Conejos, and Costilla Counties, Colo. for parts (1), (2), and (3) of the application and to eliminate the additional gateway of Albuquerque, N. Mex. for part (2) of the application.

NOTE.—This is a matter related to a section 5 proceeding in MC-F-13285, published in a previous section of this FEDERAL REGISTER issue. Applicant has applied for motor contract carrier authority in No. MC 141384 (Sub-No. 1), and therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A certificate of abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-10 (Sub-No. 9)]

NORFOLK AND WESTERN RAILWAY CO. ABANDONMENT BETWEEN BOAZ AND JARRATT, IN ISLE OF WIGHT, SOUTHAMPTON AND SUSSEX COUNTIES, VA.

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 October 5, 1977, 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 *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 Norfolk and Western Railway Co. of its branch line, including abandonment of operations and retirement of appurtenant industrial lead, spur or side tracks, extending from milepost V-33.3, approximately 1.5 miles east of Boaz, Va., in a westerly direction to milepost V-73.3, near Jarratt, Va., approximately 0.4 mile east of the Seaboard Coast Line Railroad Co. connection, a distance of 40 miles, in the counties of Isle of Wight, Southampton, and Sussex, Va. A certificate of abandonment will be issued to the Norfolk and Western Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a Government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-46 (Sub-No. 12)]

WILLIAM M. GIBBONS, TRUSTEE OF THE PROPERTY OF CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO., DEBTOR—ABANDONMENT—BETWEEN WHITLOW JUNCTION AND CROSSETT IN ASHLEY COUNTY, ARK.

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 October 20, 1977, 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 Oregon Short Line R. Co., Abandonment, Goshen, 354 I.C.C. 76, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Co., Debtor, of its line of railroad extending from milepost 38.5, near Whitlow Junction, Ark., in a southerly direction to the end of the line at railroad milepost 43.1 near Crossett, Ark., a distance of 4.6 miles, in Ashley County, Ark. A certificate of abandonment will be issued to William M. Gibbons, Trustee of the Property of the Chicago, Rock Island and Pacific Railroad Co., Debtor, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity), has offered financial assistance (in the form of a rail service continuation payment), to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the commission of the execution of such an assistance or acquisition and operating agreement the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications), is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as

well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules, Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 34), RYDER TRUCK LINES, INC., 2050 Kings Rd., Jacksonville, Fla. 32209, filed December 13, 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 Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 49, thence over U.S. Highway 49 to Helena, 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 Memphis, Tenn., over U.S. Highway 70 to junction U.S. Highway 79, thence over U.S. Highway 79 to Marianna, Ark., thence over Arkansas Highway 1 to junction Arkansas Highway 20, thence over Arkansas Highway 20 to Helena, Ark., and return over the same route.

No. MC 48958 (Deviation No. 77), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, Colo. 80216, P.O. Box 16404, filed December 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 30 and U.S. Highway 138 near Brule, Nebr., over U.S. Highway 30 to junction Interstate Highway 80, thence over Interstate Highway 80 to Sacramento, Calif. (using portions of U.S. Highways 30 and 40 where Interstate Highway 80 is incomplete), 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 junction U.S. Highway 30 and U.S. Highway 138 near Brule, Nebr., over U.S. Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to Brush, Colo., thence over U.S. Highway 34 to Greeley, Colo., thence over U.S. Highway 85 to Albuquerque, N. Mex., thence over U.S. Highway 66 to Los Angeles, Calif., thence over U.S. Highway 99 to Sacramento, Calif., and return over the same route.

No. MC 48958 (Deviation No. 78), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., P.O. Box 16404, Denver, Colo. 80216, filed December 9, 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 Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as folows: from Kansas City, Mo., over U.S. Highway 40 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 116, thence over Illinois Highway 116 to Peoria, Ill., thence over U.S. Highway 24 to Chenoa, Ill., thence over U.S. Highway 66 to Chicago, Ill., and return over the same route.

No. MC 66788 (Deviation No. 5), RAYMOND MOTOR TRANSPORTATION, INC., 1745 University Ave., St. Paul, Minn. 55104, filed December 5, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 52 and Iowa Highway 9 near Decorah, Iowa, over Iowa Highway 9 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 52 near Rochester, Minn., 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 junction U.S. Highway 52 and Iowa Highway 9 over U.S. Highway 52 to junction U.S. Highway 63, and return over the same route.

No. MC 84728 (Deviation No. 10), SAFEWAY TRAILS, INC., 1200 Eye St. NW., Washington, D.C. 20005, filed December 6, 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 Fellowship, Mt. Laurel Township, N.J., (junction New Jersey Highway 73 and Fellowship Rd.), over New Jersey Highway 73 to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from junction Fellowship Rd. and New Jersey Highway 73 over New Jersey Highway 73 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City, N.J., and return over the same route.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36371 Filed 12-21-77; 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).

CONTENTS

	Item
Equal Employment Opportunity Commission	1
Federal Communications Commission	2, 3
Federal Deposit Insurance Corporation	4, 5
Federal Home Loan Bank Board	6, 7
Federal Trade Commission	8, 9, 10, 11
Securities and Exchange Commission	12, 13

[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2113-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Thursday, December 22, 1977.

CHANGES IN THE MEETING: The following item is added to the agenda:

Freedom of Information Act Appeal No. 77-11-FOIA-227, concerning a request for certain Employment Survey (EEO-1) reports.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows: In favor of change: Eleanor Holmes Norton, Chair; Ethel Bent Walsh, Commissioner; Daniel E. Leach, Commissioner. Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice Issued December 20, 1977.

[S-2139-77 Filed 12-20-77; 3:41 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., Open Commission Meeting, Wednesday, December 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

CHANGES IN THE MEETING: The following item should be deleted:

Agenda, Item No. and Subject

Complaints and Compliance—2—Results of investigation into the operations of KVTT (FM), Dallas, Tex.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: December 20, 1977.

[S-2137-77 Filed 12-20-77; 3:26 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, December 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following item should be deleted:

Agenda, Item No., and Subject

Cable Television—3—Petitions for stay of the Commission decision in Vanhu, Inc. (Seattle, Washington), filed by United Community Antenna Systems, Inc., and Tele-Vue Systems, Inc., and KIRO, Inc.'s objections.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, AFCC Public Information Officer, 202-632-7260.

Issued: December 20, 1977.

[S-2138-77 Filed 12-20-77; 3:26 pm]

[6714-01]

4

FEDERAL DE POSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Metting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11 a.m. on Friday, December 16, 1977, the Corporation's Board of Directors voted, on motion of Chairman George A. LeMaistre, with Director John G. Heimann (Comptroller of the Currency), seconding the motion, to defer action on a proposal for amending the Corporation's "insider transactions" regulations (12 CFR 337.3), pending additional staff consideration of the proposal.

The Board further determined, on motion of Chairman LeMaistre, seconded by Director Heimann, that Corporation business required its addition of a resolution continuing the current budget of administrative expenses until approval of the 1978 budget to the agenda for the meeting, on less than seven days' notice to the public.

The Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: December 16, 1977.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-2130-77 Filed 12-20-77; 11:40 am]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:30 a.m. on Friday, December 16, 1977, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition of a recommendation regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, N.Y. (Case No. 43,323-L), to the agenda for the meeting, on less than seven days' notice to the public. The Board further determined that no earlier notice of a change in the subject matter of the meeting was practicable.

The case was considered in a closed meeting pursuant to subsections (c)(4),

(c)(9)(B), and (d)(1) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (d)(1)), on the basis of the Board's determination that the public interest did not require consideration of the case in a meeting open to public observation.

Dated: December 16, 1977.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-2131-77 Filed 12-20-77; 11:40 am]

[6720-01]

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No 239, Page 62598, December 13, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., December 15, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting and Closed Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: The meetings previously scheduled for this date have been cancelled.

No. 118, December 15, 1977.

[S-2127-77 Filed 12-20-77; 8:45 am]

[6720-01]

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 242, page 63515, December 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1:30 p.m. December 20, 1977.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: The following items have been added to the agenda for the open portion of the meeting:

Appointment of Ms. Lynne D. Finney as Director of the Office of Industry Development.
Satellite Office Application, South Gate Federal Savings and Loan Association, Newport, Ky.
Limited Facility Application, Berkeley Federal Savings and Loan Association of New Jersey, Millburn, N.J.
Consideration of Sale of Certificate of Sheriff's Sale, Cold Storage Warehouse, 4021 South Normal Avenue, Chicago, Ill.
Satellite Facility Application, Charleston Federal Savings and Loan Association, Charleston, W. Va.
Consideration of 90 and 95 percent Loan Limits.
Consideration of Implementation of the Housing and Community Development Act of 1977 (Farm Loans and Line-of-Credit Loans).
Consideration of Proposed 1978 Budget of the Office of Neighborhood Reinvestment.
Consideration of FSLIC Assessments for Fiscal Year 1978.

No. 117, December 15, 1977.

[S-2128-77 Filed 12-20-77; 8:45 am]

[6750-01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, December 27, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, December 27, 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, 202-523-3830; recorded message, 202-523-3806.

[S-2132-77 Filed 12-29-77; 12:23 pm]

[6750-01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, December 28, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, December 28, 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, 202-523-3830; recorded message, 202-523-3806.

[S-2133-77 Filed 12-20-77; 12:23 pm]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, January 3, 1978.

PLACE: Room 432, Federal Trade Commission Building, 5th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, January 3, 1978, 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, 202-523-3830; Recorded message, 202-523-3806.

[S-2134-77 Filed 12-20-77; 12:23 pm]

[6750-01]

11

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, January 4, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this

meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, January 4, 1978, 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, 202-523-3830; Recorded message, 202-523-3806.

[S-2135-77 Filed 12-20-77; 12:23 pm]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 63516, December 16, 1977.

CHANGES IN THE MEETING: The following additional item will be considered by the Commission at the open meeting scheduled for Thursday, December 22, 1977, at 10 a.m.:

Further consideration of Regulation S-K, a new, integrated disclosure regulation and amendments to certain disclosure forms and rules which would require registrants to: (a) disclose revenue, profit and asset information relating to industry segments and geographic areas, and (b) focus on the reported industry segments in describing their business operations.

The following item will not be considered by the Commission at the open meeting scheduled for Thursday, December 22, 1977, at 10 a.m.:

Consideration of the extent to which Commission documents are required to be published in the FEDERAL REGISTER and suggestions for reducing the Commission's cost of such publications.

The following items will be considered by the Commission at an closed meeting, immediately following the open meeting scheduled for Thursday, December 22, 1977, at 10 a.m.:

Subpoena enforcement action.
Freedom of Information Act appeal.
Other litigation matters.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Loomis, Pollack, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

DECEMBER 20, 1977.

[S-2136-77 Filed 12-20-77; 3:26 pm]

[8010-01]

13

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 December 26, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, December 28, 1977, at 10 a.m. An open meeting will be held on Thursday, December 29, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed 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).

Commissioners Loomis, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, December 28, 1977, at 10 a.m., will be:

Referral of investigative files to Federal, State or Self-Regulatory authorities.
Institution of injunctive actions.
Institution of administrative proceedings.
Settlement of administrative proceedings.
Freedom of Information Act appeal.
Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, December 29, 1977, at 10 a.m., will be:

1. Consideration of application by Francis C. Stefurak for permission to again become associated with a registered broker-dealer.
2. Consideration of application by John J. Reed for permission to again become associated with a registered broker-dealer.
3. Consideration of an application filed by Data Documents, Inc. for an order exempting the company from certain reporting requirements under the Securities Exchange Act of 1934.
4. Consideration of proposed rule change of the Municipal Securities Rulemaking Board which would specify the minimum scope and frequency of periodic compliance examinations of municipal securities brokers and municipal securities dealers.
5. Consideration of an advance proposed rulemaking statement requesting public comment with regard to the conditions under which mutual funds might be permitted to bear distribution expenses.
6. Request filed by Agvestments, Inc., a registered broker-dealer, for an exemption from the self-underwriting rule, Rule 15b10-9, under the Securities Exchange Act of 1934.
7. Consideration of soliciting public comment on revised proposed Rule 17j-1 of the Investment Company Act of 1940, which would, prohibit certain activities on the part of persons affiliated with registered investment companies or their investment advisers or principal underwriters.
8. Proposed Accounting Series Release containing minor clarifying or modifying amendments to recently adopted rules regarding disclosures of investment in marketable securities and other security investments.
9. Consideration of the appeal by Clifford W. Russell from the Freedom of Information Act Officer's denial of waiver of fees in his Freedom of Information Act request.

FOR FURTHER INFORMATION CONTACT:

Sam Knight at 202-376-7135 or Ted Bloch at 202-376-7158.

DECEMBER 20, 1977.

[S-2129-77 Filed 12-20-77; 11:40 am]

federal register

THURSDAY, DECEMBER 22, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Base Flood Elevation Determinations for Various Communities

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–3759]

CITY OF HEMET, RIVERSIDE COUNTY, CALIF.

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 Hemet, Riverside County, Calif.

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).

DATES: 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 Community Development Department, City Hall, 450 East Latham Street, Hemet, Calif.

Send comments to: Mr. Ross Namar, City Manager, city of Hemet, City Hall, 450 East Lathem Street, Hemet, Calif. 92343. Attention: Mr. Ron Walker.

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 Hemet, Calif., 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
Salt Creek	Warren Ave	1,502
	Fisher St	1,510
	Cawston Ave	1,518
	Sanderson Ave	1,528
	Lyon Ave	1,547
Salt Creek overflow	do	1,547
Salt Creek tributary.	State St	1,585
	Buena Vista St	1,505

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35922 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–1022]

CITY OF MILL VALLEY, MARIN COUNTY, CALIF.

Revision of 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 Mill Valley, Marin County, Calif.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 41 FR 14781 on April 7, 1976, and in The Mill Valley Record published on May 5, 1976, and May 12, 1976, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Mill Valley, Calif.

Send comments to: Mayor Gerald J. Hood, City Hall, P.O. Box 31, Mill Valley, Calif. 94941.

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: Proposed base (100-year) flood elevations are listed below for selected locations in the city of Mill Valley, Calif., 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 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).

These modified 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 are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arroyo Corte Madera Del Presidio Creek.	Corte Madera Ave	155
	King St	140
	Gardner St	74
	Camino Alto	6
Old Mill Creek	Cascade Dr. (900 ft downstream of confluence with Cascade Creek.	153
	Eugene St	120
	Ethel Dr	72
Warner Canyon	Manor Dr	73
	East Blithedale Ave	28
	Locust Ave	16
Reed Creek	Corporate limits	12
Sutton-Manor Creek.	Ashford Ave	10
	Roque Morales Dr	6
Ryan Creek	Camino Alto	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35923 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3760]

TOWN OF TELLURIDE, SAN MIGUEL COUNTY, COLO.

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 Telluride, San Miguel County, Colo. 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).

DATES: 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 Telluride Town Hall, 135 West Columbia, Telluride, Colo. 81435.

Send comments to: The Honorable Gary J. Bennett, Mayor, Town of Telluride, Town Hall, 135 West Columbia, P.O. Box 397, Telluride, Colo. 81435.

Attention: Mr. Robert A. Hibschman, Town Administrator.

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 Telluride, 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 the 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
San Miguel River	Bridge at Telluride Lodge.	8,728
	700 ft upstream of bridge at Telluride Lodge.	8,730
	800 ft upstream of bridge at Telluride Lodge.	8,735
	1,150 ft upstream of bridge at Telluride Lodge.	8,735
	100 ft downstream of South First Street Bridge.	8,747
	50 ft upstream of South Pine Street Bridge.	8,751
	Upstream of Maple Street Bridge.	8,759
	1,900 ft upstream of North Maple Street Bridge (at east corporate limit).	8,774

Source of flooding	Location	Depth in feet above ground level
Cornet Creek	Area between West Pacific Ave. to West Galena Ave.	1
	Area between West Galena Ave. to the northern corporate limits.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35924 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3534]

CITY OF NORWICH, NEW LONDON COUNTY, CONN.

Proposed Flood Elevation Determinations; Correction

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 42 FR 55707 of the FEDERAL REGISTER of October 18, 1977 (42 FR 55707).

EFFECTIVE DATE: October 18, 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
Thames River	800 ft downstream of confluence of Trading Cove Brook.	11
	At confluence of Yantic and Shetucket River.	11
Trading Cove Brook.	100 ft downstream of West Thames St. (State Highway 32 Bridge).	11
	105 ft upstream of West Thames St.	20
	370 ft downstream of Connecticut Turnpike.	33
	210 ft upstream of the confluence of Goldmine Brook.	71
Great Plain Brook	At confluence with trading Cove Brook.	29
	420 ft upstream of confluence with Trading Cove Brook.	38
	105 ft upstream of dam located 750 ft downstream of Village Ct.	73
	At downstream end of culvert at Melrose Park Rd.	85
	1,050 ft upstream of Melrose Park Rd. (westbound lane).	86
	3,030 ft upstream of Melrose Park Rd. (westbound lane).	90
Ford Brook	At confluence with Trading Cove Brook.	29
	1,800 ft upstream of confluence with Trading Cove Brook.	45
	850 ft downstream of Salem Turnpike Rd.	58
	1,100 ft upstream of Salem Turnpike Rd.	60
	900 ft upstream of old Salem Rd.	65
	265 ft downstream of New London Turnpike Rd.	68
	At New London Turnpike Rd.	82
	At Newton St.	100
Goldmine Brook	At confluence with Trading Cove Brook.	69
	135 ft upstream of Salem Turnpike Rd.	78
Tributary F (1,100 ft north of the confluence of the Thames River and Trading Cove Brook).	750 ft upstream of confluence with Thames River.	12
	At West Thames St. (State Highway 32).	24
	At Ailert St.	46
Shetucket River	At Water St.	11
	At Main St. (State Highway 2).	18
	At Eighth St.	30
	105 ft upstream of Greenville Dam.	37
	100 ft downstream of Taftville Dam.	46
	265 ft upstream of Taftville Dam.	61
	265 ft upstream of Occum Dam.	76
	2,110 ft upstream of confluence with Byron Brook.	83

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spaulding Pond Brook:	100 ft upstream of Main St.	30
	160 ft upstream of Willow St.	31
	55 ft upstream of Chestnut Ave.	41
	290 ft upstream of Chestnut Ave.	52
	At Lake St.	76
	240 ft downstream of Broad St.	82
	At Broad St.	102
	590 ft upstream of Broad St.	126
	635 ft upstream of East Baltic Ave.	133
	135 ft upstream of Mohegan Rd. No. 2.	157
	At dam upstream of Mohegan Rd. No. 2.	168
Tributary D (3,700 ft south of the confluence of Shetucket River and Hunter Brook).	At confluence with Shetucket River.	38
	265 ft upstream of confluence with Shetucket River.	45
	At State Highway No. 12.	84
	525 ft upstream of State Highway No. 12.	92
	At Saint Regis Ave.	94
Hunter Brook	At confluence with Shetucket River.	41
	At dam 850 ft upstream of Boswell Ave.	45
	1,900 ft upstream of Boswell Ave.	66
	2,300 ft upstream of Boswell Ave.	71
Tributary C (580 ft downstream of confluence of Shetucket River and Little River).	State Highway No. 97.	66
Tributary B (confluent to Bobbin Mill Brook at Town St.).	At confluence with Yantic River.	88
	At East Town St.	105
	1,135 ft upstream of East Town St.	143
	At Mediterranean Lane.	156
	80 ft above Mediterranean Lane.	160
Norwichtown Brook.	At confluence with Yantic River.	90
	600 ft above Case St.	96
Yantic River	600 ft downstream of Norwich Falls Dam.	15
	210 ft upstream of Mill Dam No. 2.	79
	New London Turnpike.	89
	530 ft upstream of Yantic Mill Dam.	103
	1,690 ft upstream of Willimatic Road Bridge.	120
Bobbin Mill Brook.	At confluence with Yantic River.	88
	1,270 ft upstream of confluence with Yantic River.	89
	120 ft downstream of Scotland Rd.	118
	At Scotland Rd. culvert.	127

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35925 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3761]

PALM BEACH COUNTY, FLA.

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 Palm Beach County, Fla.

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).

DATES: 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 Palm Beach County Courthouse, West Palm Beach, Fla.

Send comments to: Mr. Tony Smith, Assistant County Administrator, Palm Beach County, P.O. Box 1989, West Palm Beach, Fla. 33402.

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 Palm Beach County, Fla., 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
Lake Ockechobee	Herbert Hoover Dike and Hooker Highway.	29
	Ritta Island	24
Loxahachee River	West end of North Dr.	6
	Woodridge Ter. and Center St.	6
Hillsboro Canal	Confluence of Canal E-3 and Hillsboro Canal.	6
Atlantic Ocean	Shoreline from corporate limit to corporate limit.	7
Intracoastal waterway.	Turner Rd. and Karen Dr.	7
	Ardell Dr. and Palmwood Rd.	6
	Dixie Highway and Indian Town Rd.	6
Lake Worth to Little Lake Worth.	State Route 703 and Landing Pl.	7
C-17 Canal	12th St. and Palm Rd.	16
	East end of Upthegrove Lane.	15
	Burroughs Ave. and Garden Ave.	13
	William St.	12
	North end of Sun Court.	11
C-51 Canal	Prarie Rd. and Worthington Rd.	13
	West Lakewood Rd. and Yvonne Dr.	12
C-16 Canal	Gulf Rd. and Congress Ave.	13
	North end of Kingston Dr.	11
	North West 22d Ave. and Congress Ave.	11
Rainfall [1]	East end of Laurel Lane.	7

[1] Flooding in the cited locations is due to inadequate drainage which causes a ponding situation.

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35926 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3762]

CLARKE COUNTY, GA.

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 Clarke County, Ga.

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).

DATES: 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 Clarke County Courthouse, Athens, Ga.

Send comments to: Mr. Benjamin E. Lumpkin, Jr., County Administrator, Clarke County, P.O. 448, Athens, Ga. 30601.

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 Clarke County, Ga., 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
Oconee River	Barnett Shoals Rd.*	533
	Confluence with North Oconee and Middle Oconee Rivers.	541
Middle Oconee River.	Central of Georgia R.R.	544
	Old Lexington Rd.	550
	U.S. Highways 441 and 129; Georgia Highway 15.	563
	Mitchell Bridge Rd.	584
	Seaboard Coastline R.R.	603
	Georgia Highway 330.	649
McNutt Creek	U.S. Highway 441	559
	Epps Bridge Rd.*	521
	U.S. Highway 78	710
Malcolm Branch	U.S. Highway 78*	623
Big Bear Creek	Big Bear Rd.	618
Little Bear Creek	Fowler Mill Rd.*	659
Turkey Creek	Tallahassee Rd.*	610
	Lavender Rd.*	655
North Oconee River.	Whitehall Rd.*	559
	College Station Rd.*	592
	Southern R.R.	621
	Newton Bridge Rd.	625
Big Creek	Old Lexington Rd.*	605
Tributary H	U.S. Highway 78 and Georgia Highway 10.*	637
Shoal Creek	Barnett Shoals Rd.	541
	Belmont Rd.	594
	Lexington Rd.*	615
	U.S. Highway 78*	638
	Beaver Dam Rd.*	652
	Cherokee Rd.*	662
Tributary J	Winterville corporate limits.	735
Cedar Creek	Barnett Shoals Rd.*	615
	Old Lexington Rd.*	636
	Gentry Dr.*	644
	Cedar Creek Dr.*	672
Carrs Creek	At the confluence with the Oconee River.	596
Tributary G	Barnett Shoals Rd.	605
	U.S. Highway 78	720
Tributary K	College Station Rd.	600
	River Rd.	618
Trail Creek	At the confluence with east and west fork Trail Creek.	643
East fork Trail Creek.	Joyles Rd.*	741
Tributary 5	At the confluence with east fork Trail Creek.	663
West fork Trail Creek.	Seaboard Coastline R.R.	646
	New Hull Rd.*	674
Sandy Creek	U.S. Highway 441*	621
East Sandy Creek	Nowhere Rd.*	644
Noketchee Creek	Nowhere Rd.*	641
	Smokey Rd.	739
Walton Creek	Jefferson River Rd.*	650
Tributary R	Athens Dr.*	666

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35927 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3763]

VILLAGE OF FRANKLIN PARK, COOK COUNTY, ILL.

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 Franklin Park, Cook County, Ill.

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).

DATES: 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 Village Hall, Franklin Park, Ill.

Send comments to: Mayor Jack B. Williams, Village Hall, 9545 Belmont Avenue, Franklin Park, Ill.

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 Franklin Park, Ill., 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
Des Plaines River..	Belmont Ave.....	624
Silver Creek.....	Route 19.....	652
	Landen Dr.....	645
	Kirchoff Ave. (upstream side).	639
	Fullerton Ave.....	636

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35928 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3764]

VILLAGE OF SCHILLER PARK, COOK COUNTY, ILL.

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 Schiller Park, Cook County, Ill.

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).

DATES: 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 Village Hall, Schiller Park, Ill.

Send comments to: Mayor Ed Bluthardt, Village Hall, 9526 West Irvin Park Road, Schiller Park, Ill. 60176.

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 Schiller Park, Ill., 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
Crystal Creek.....	Tri State Tollway.....	639
	25th Ave.....	637
	Lawrence Ave.....	630
Crystal Creek tributary.	Soreng Ave. (upstream side).	639
	Irving Park Rd.....	638
Des Plaines River..	Lawrence Ave. (downstream side).	625
	Irving Park Rd.....	624

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35929 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3584]

CITY OF BANGOR, PENOBSCOT COUNTY, ME.

Proposed Flood Elevation Determinations; Correction

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 42 FR 58662 of the FEDERAL REGISTER of November 10, 1977 (42 FR 58662).

EFFECTIVE DATE: November 10, 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
Penobscot River...	At the upstream face of Bangor Water Works Dam.	30
Kenduskeag Stream.	At the downstream face of Central St.	17
	At the downstream face of Harlow St.	18

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35930 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3765]

CITY OF ATTLEBORO, BRISTOL 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 Attleboro, Bristol 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).

DATES: 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 Mayor's Office, City Hall, 29 Park Street, Attleboro, Mass. 02703.

Send comments to: The Honorable Raymond L. Macomber, Mayor, City of Attleboro, City Hall, 29 Park Street, Attleboro, Mass. 02703.

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 Attleboro, 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
Tenmile River	At town boundary with Seconk.	79
	At pipline crossing, 660 ft downstream of Mill Bridge.	79
	Just downstream of Hebronville Dam.	82
	Just upstream of Bridge St.	90
	Just downstream of Tiffany St.	91
	Just upstream of Tiffany St.	94
	At railroad 530 ft downstream of Dodgeville Dam.	95
	Just downstream of Dodgeville Dam.	97
	Just upstream of Dodgeville Dam.	111
	At Lamb St.	111
	At Olive St.	112
	At road east of Nordic Building.	116
	Just upstream of Mechanics Pond Dam.	120
	At confluence of Bungay River.	122
	200 ft downstream of farmers pond.	124
	Just upstream of farmers pond dam.	129
	660 ft downstream of town limit with North Attleboro.	135
	At Cedar Rd.	138
Bungay River	At confluence with Tenmile River.	122
	Just downstream of Blacking Pond Dam.	122
	Just upstream of Blacking Pond Dam.	123
	Just upstream of Bank St.	124
	At town boundary with North Attleboro.	126
Sevenmile River	At town boundary with Pawtucket.	69
	Just downstream of County St.	70
	Just upstream of County St.	72
	Just upstream of Pitas Ave.	75
	Just downstream of Roy Ave.	80
	Just downstream of Read St.	88
	Just upstream of Read St.	90
	Just downstream of Orrs Pond Dam.	92
	Just upstream of Orrs Pond Dam.	103
	Just downstream of water works dam.	104
	Just upstream of West St.	108
	Just downstream of Luther Reservoir Dam.	135
	Just upstream of Luther Reservoir Dam.	140
	At town boundary with North Attleboro.	141
Attleboro industrial stream.	At confluence with Tenmile River.	90
	520 ft upstream of McKay St.	91
	At Tiffany St.	107
Lake Como stream	At confluence with Sevenmile River.	82
	Just downstream of Newport Ave.	92
	Just upstream of Newport Ave.	95
	Just downstream of Cumberland Ave.	95
	Just downstream of Route 1.	99
	Just upstream of Route 1.	108
	1,300 ft upstream of Route 1.	108
Rocklawn Avenue stream.	At confluence with Sevenmile River.	122
	Just downstream of Todd Dr. (extension).	128
	Just upstream of Todd Dr. (extension).	130
	Just downstream of Rocklawn Ave.	136
	Just upstream of Rocklawn Ave.	138
East Junction stream.	At confluence of Tenmile River.	90
	At Route 152.	90
	Just downstream of Thurber Ave.	92
	Just upstream of Thurber Ave.	95
	1,000 ft upstream of Thurber Ave.	97
Speedway Brook	At confluence with Tenmile River.	111
	1,050 ft downstream of Maple St.	112
	Just downstream of Maple St.	113
Chartley Brook	At town boundary of North Attleboro.	105
	Just upstream of Peckham St.	106
	Just downstream of Wilmarth St.	109
	Just upstream of Wilmarth St.	113

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35931 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3766]

CITY OF COLUMBIA HEIGHTS, ANOKA COUNTY, MINN.

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 Columbia Heights, Anoka County, Minn.

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).

DATES: 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 City Hall, 590 40th Avenue, Northeast, Columbia Heights, Minn.

Send comments to: Mayor Bruce G. Nawrocki, City Hall, 590 40th Avenue, Northeast, Columbia Heights, Minn. 55421.

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 Columbia Heights, Minn., 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
Jackson Pond	43rd Ave. and Jackson St.	896
	44th Ave. and Quincy St.	896
Pond near 5th St. and 39th Ave. Northeast (unnamed).	5th St. and 39th Ave.	902
Rainfall	Tyler St. NE., 500 ft north of intersection with 44th Ave. NE.	1014
	Fairway Dr., 600 ft west along drive from intersection with 49th Ave. NE.	1004

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35932 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3767]

CITY OF ELBA, WINONA COUNTY, MINN.

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 Elba, Winona County, Minn.

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).

DATES: 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 City Hall, Elba, Minn.

Send comments to: Ms. Doris O'Dell, City Clerk, city of Elba, Route 1, Box 61, Altura, Minn. 55910.

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 Elba, Minn., 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
Whitewater River	Winona County 26 bridge.	738

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35933 Filed 12-21-77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI-3768]

CITY OF HUGO, WASHINGTON COUNTY, MINN.

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 Hugo, Washington County, Minn.

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).

DATES: 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 City Hall, 5524 Upper 146th Street, Hugo, Minn.

Send comments to: Mayor Marvin La Valle, City Hall, 5524 Upper 146th Street, Hugo, Minn. 55038.

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 Hugo, Minn., 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 insur-

ance 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
Hardwood Creek	Elmcrest Ave. North	902
	U.S. Highway 61	918
	County State Aid Highway 4.	921
East tributary to Hardwood Creek.	Ingersoll Ave. North	927
Clearwater Creek	Elmcrest Ave	912
	129th St. North	913
South branch of Clearwater Creek.	140th St. North	913
North branch of Clearwater Creek.	Frenchman Rd. North.	914
	Burlington Northern Inc. RR.	920
	U.S. Highway 61	930
	169th St. North	932
Bald Eagle Lake	Shoreline	913

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35934 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3769]

CITY OF LE SUEUR, LE SUEUR COUNTY, MINN.

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 Le Sueur, Le Sueur County, Minn.

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).

DATES: 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 City Hall, Le Sueur, Minn.

Send comments to: Mayor Michael Schwerzler, 203 South Second Street, City Hall, Le Sueur, Minn. 56058.

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 Le Sueur, Minn., 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
Minnesota River	U.S. Highway 169	745
	Bridge St. and Minnesota Highway 93.	748

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[Doc.77-35935 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3770]

CITY OF PRIOR LAKE, SCOTT COUNTY, MINN.

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 Prior Lake, Scott County, Minn.

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).

DATES: 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 City Hall, 4629 Dakota Street Southeast, Prior Lake, Minn.

Send comments to: Mayor Walter Stock, City Hall, 4629 Dakota Street Southeast, Prior Lake, Minn. 55372.

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 Prior Lake, Minn., 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
Spring Lake	Near shoreline	914
Prior Lake	do	909

(National Flood Insurance Act of 1968 (Title XIII of House 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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35936 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3771]

CITY OF SHAKOPEE, SCOTT COUNTY, MINN.

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 Shakopee, Scott County, Minn.

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).

DATES: 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 City Hall, 129 East 1st Avenue, Shakopee, Minn.

Send comments to: Mayor Walter Harbeck, City Hall, 129 East 1st Avenue, Shakopee, Minn. 55379.

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 Shakopee, Minn., 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
Minnesota River...	State Highway 101 and U.S. Highway 169.	722

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35937 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3772]

CITY OF WABASHA, WABASHA COUNTY, MINN.

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 Wabasha, Wabasha County, Minn.

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).

DATES: 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 City Hall, 257 Main Street West, Wabasha, Minn.

Send comments to: Mayor John Wodele, Jr., City Hall, 257 Main Street West, Wabasha, Minn. 55981.

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 Wabasha, Minn., 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
Mississippi River-Zumbro River.	Minnesota Trunk Highway 60.	878

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35938 Filed 12-21-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3773]

CITY OF AURORA, LAWRENCE COUNTY, MO.

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 Aurora, Lawrence County, Mo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: 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 City Hall, Aurora, Mo.

Send comments to: The Honorable Yvonne Swearingen, Mayor, City of Aurora, City Hall Building, Aurora, Mo. 65605.

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 Aurora, 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 location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chat Creek	1,100 ft upstream from Missouri Highway 39.	1,340
	250 ft upstream from Missouri Pacific RR.	1,345
	360 ft downstream from Morgan Ave.	1,350
	North McNatt Ave.	1,357
	30 ft downstream from Elliott Ave.	1,359
	St. Louis-San Francisco RR.	1,368
	20 ft downstream from Hudson Ave.	1,375
	105 ft upstream from Business Route 60.	1,378
	55 ft downstream from Highland St.	1,382
Unnamed tributary No. 1 (Carnation Rd. about 2,300 ft to the southwest from the confluence with Dougcr Bridge).	110 ft upstream from Carnation Rd.	1,342
	190 ft upstream from Lewis-Shaw Ave.	1,349
	245 ft upstream from Business Route 60.	1,354
	Downstream side of South St.	1,356
	Lincoln Ave.	1,366
	60 ft downstream from Springfield St.	1,368
	110 ft upstream from Jefferson Ave.	1,386
	Union St.	1,401
Unnamed tributary No. 2 (2,700 ft upstream from the Tributary No. 1 at Carnation Rd.).	500 ft upstream from the confluence with Tributary No. 1.	1,359
	65 ft downstream from Springfield St.	1,365
	Springfield St.	1,366
	20 ft downstream from confluence of Tributary No. 3.	1,372
	30 ft upstream from Hadley St.	1,376
	460 ft upstream from Hadley St.	1,380
	70 ft downstream from Prospect St.	1,399
	Prospect St.	1,401
Tributary No. 3 (2,840 ft from the confluence with Tributary No. 1).	130 ft upstream from Hadley St.	1,380
	750 ft upstream from Hadley St.	1,387
Tributary No. 4, at Roosevelt Ave.	60 ft downstream from West St. Louis St.	1,360
	90 ft downstream from West Springfield St.	1,366
	60 ft upstream from West Springfield St.	1,369
	40 ft downstream from Pearl St.	1,370
	90 ft downstream from Lincoln Ave.	1,374
	130 ft downstream from Hadley St.	1,379
	Hadley St.	1,381

(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: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35939 Filed 12-21-77;8:45 am]

federal register

THURSDAY, DECEMBER 22, 1977
PART III



CONSUMER PRODUCT SAFETY COMMISSION

■

TECHNICAL REQUIREMENTS FOR DETERMINING SHARP POINTS IN TOYS, AND OTHER ARTICLES INTENDED FOR USE BY CHILDREN UNDER 8 YEARS OF AGE

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Final Technical Requirements for Determining a Sharp Point in Toys and Other Articles Intended for Use by Children Under 8 Years of Age

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Commission is issuing a regulation which establishes technical requirements for toys and articles intended for use by children under 8 years of age. These requirements identify sharp points on such articles that could injure children. If the Commission identifies sharp points on particular children's articles that present an unreasonable risk of injury to children under 8 years of age, it will initiate rulemaking proceedings to ban those articles.

DATES: The regulation becomes effective on December 22, 1978, and it applies to all products subject to the regulation and introduced into interstate commerce after that date.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1975, the Consumer Product Safety Commission, pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261(f)(1)(D)), proposed for public comment regulations to ban toys intended for children under 8 years of age[1] that present an unreasonable risk of personal injury from puncture or laceration hazards due to sharp points (40 FR 1491). The proposed regulations included test criteria for determining whether such toys present these hazards.

Following extensive review of the public comments received, as well as staff reevaluation of the proposal, the Commission withdrew the January 1975 proposal and proposed a new regulation for public comment on August 4, 1977 (42 FR 39648-56).

The primary reason for proposing a new regulation in August 1977 was that the Commission decided not to pursue a regulation of sharp points on toys that automatically banned all toys not meeting specified technical criteria. Accordingly, the August 1977 proposed regulation was designed to identify toys containing sharp points that the Commision preliminarily believed to be hazardous to children under 8 years of age, but not to ban them automatically.

The final regulation issued below, like the August 1977 proposal, is a technical requirements regulation which preliminary identifies hazardous toys. The Commission will regulate those toys on a product-by-product basis whenever it believes that they present a mechanical hazard, as defined in the FHSA.

The August 1977 proposal also contained some technical changes that were made to the test method of the January 1975 proposal, including a new set of articulated probes to determine accessibility of sharp points, a new dimension for the slot in the sharp point test device, and a maximum application force for the test procedure. All of the changes were fully discussed in the August 4, 1977 Federal Register document. The provisions of the August 4, 1977 proposal are fully discussed below.

Proposed Regulation

(a) Risk of Injury

In issuing the proposed regulation, the Commission found that certain toys intended for children under 8 years of age can puncture or lacerate skin and cause bleeding, during normal use or reasonably foreseeable misuse, and thus present an unreasonable risk of injury. This finding was based in part on the staff's investigation of the sharp points present on such toys that have been in the marketplace during the past few years.

In addition, the Commission relied on an analysis of toy-related injuries contained in its in-depth investigation reports and reported through its National Electronic Injury Surveillance System (NEISS). NEISS is a computer-based network of 119 statistically-selected hospital emergency rooms throughout the country which transmits injury data to the Commission.

Unlike the in-depth reports, NEISS reports do not distinguish between product-caused and product-related injuries and do not clarify whether an injury resulted from the normal use or from the reasonably foreseeable misuse of a product. However, NEISS surveillance data provide important information on the type and severity of injuries and the ages of those being injured.

A review of NEISS injury data indicates that a substantial number of children under 8 years of age receive laceration and puncture injuries in toy-related incidents. In calendar year 1976, for example, an estimated 43,300 children in that age category were treated in hospital emergency rooms for toy-related injuries.

To determine the extent to which lacerations and punctures occur from toys intended for childen under 8 years of age, the Commission staff divided toys into the following three categories:

(a) Toys primarily intended for use by children under the age of 8 years.

(b) Toys primarily intended for use by children 8 years to 14 years of age.

(c) Toys intended for use by children in both age groups.

Of the estimated 43,300 injuries treated in emergency rooms in 1976, an estimated 9,000 were associated with products intended primarily for use by children under 8 years of age. An additional 30,800 injuries were associated with products intended for use by children in both the under-8-year and the 8-to-14-year age groups. In addition, based on NEISS estimates, laceration and puncture injuries accounted for over half (approximately 53 percent) of all toy-related injuries to children under 8 years of age.

By definition, the NEISS-reported injuries which support the need for the technical requirements are serious enough to be treated in hospital emergency rooms. A purchaser of toys for children under 8 years of age certainly does not expect them to cause such injuries to children. While many toy-related puncture and laceration injuries may be scratches and finger prickings causing minor bleeding, there are a substantial number of injuries which are more severe. Such injuries warrant the adoption of reasonable regulations to reduce or eliminate their occurrence.

In the proposal, the Commission emphasisized that the proposed technical requirements were intended to set a standard of safety to reduce the risks of injury not only for the products currently available to young children, but also for the new and redesigned products for which there are no hazard experience data available to the Commission. The Commission estimates that between 3,000 and 5,000 new children's products (of which a large number are intended for children under 8) are introduced into the marketplace each year.

(b) Procedures

On August 4, 1977 the Commission proposed a technical requirements regulation that established criteria for sharp points on toys intended for children under 8 years of age, but did not ban automatically toys failing to meet those criteria. Under this approach, the Commission would regulate such toys on a product-by-product basis whenever they both failed to meet the test criteria and presented a mechanical hazard as defined in the FHSA, in the judgment of the Commission. (The reasons supporting this approach are detailed in the August 4, 1977 Federal Register document.)

If the Commission decided to initiate banning actions against any toys found to be out of compliance with the technical requirements, it could proceed in a few different ways. Under relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), which govern regulations issued under sections 2(f)(1)(D) and 3(e) of the FHSA (unless the Com-

[1] The Commission intends that the scope of the technical requirements regulation issued below will include other articles intended for use by children under 8 years of age, as well as toys. However, in an effort to simplify reading the preamble, the term toy(s) hereafter will be used inclusively for both toys and other articles intended for use by children.

mission specifically selects alternative procedures), the Commission cannot ban a toy until it publishes a general notice of proposed rulemaking in the FEDERAL REGISTER. In the alternative, persons subject to the proposed rule could be named and either personally served or otherwise have actual notice of it (5 U.S.C. 553(b)).

Depending upon the individual circumstances of a potential banning situation, the Commission will decide how best to provide the required prior notice to manufacturers and others who are subject to a toy banning regulation. If the timing of a ban is a crucial factor, the Commission may decide that individualized notice to those subject to the proposed rule will best protect the public. Alternatively, if comment from consumers and other members of the public is considered particularly important, the Commission would probably publish a notice in the FEDERAL REGISTER and accept comments for a specified time period.

It may even be that the Commission would first notify manufacturers of a toy that has failed the test criteria before deciding whether to solicit public comment in a FEDERAL REGISTER banning proposal. All of these options will be open to the Commission when it discovers that a particular toy does not meet the technical requirements and when it decides preliminarily that such a toy presents a mechanical hazard under the FHSA.

In whatever manner the Commission provides the necessary notice of a proposed ban, a toy is not banned unless and until the Commission issues a final regulation classifying the toy as a hazardous substance (and thus a banned hazardous substance) according to sections 2(f)(1)(D), 2(q)(1)(A), and 3(e) of the FHSA.[2] If the Commission decides that a toy that fails to meet the technical requirements nevertheless does not present a mechanical hazard, the Commission will not initiate action against that toy.

(c) SHARP POINT TEST CRITERIA

The sharp point test criteria in the August 1977 proposal relied, to a large extent, on a test device that the National Bureau of Standards (NBS) developed for the Commission. NBS designed this sharp point test device to distinguish, on the basis of sharpness, between the sharp and dull points that children can contact during the casual handling of toys. Casual handling includes the range of activity associated with unpacking, handling, operating, and playing with toys, including foreseeable misuse and other types of play not intended by the manufacturer.

In determining the sharpness of various points to develop the tester, NBS considered data from three sources:

i. Subjective evaluation by 50 adult males and 50 adult females (nonphysicians) of the sharpness of a set of manufactured conical metal points. The 100 adults rated each point as either too sharp, intermediate, or sufficiently dull for use in children's toys under casual handling conditions.

ii. Subjective evaluation by 37 physicians of a similar set of conical points. The physicians rated each point as acceptable or unacceptable for use in children's toys under casual handling conditions.

iii. Actual skin puncture tests performed with the metal points used in the subjective evaluation tests. The skin puncture tests, performed on both human cadaver skin and pigskin samples, were designed to determine what combinations of force and point configuration are necessary to cause punctures that penetrate human skin.

The results from the two groups in the subjective evaluation tests and the results of the skin puncture tests indicated a similar demarcation between sharp and dull points. From these results, NBS developed a sharp point tester capable of judging the sharpness of a point of any shape based on its penetration into a gaging slot of specified width, length, and depth. The gaging slot measures 0.040 inch in widths, 0.045 inch in length and 0.020 inch in depth.

NBS also incorporated as part of the test procedure a 0.5-pound spring which a test point must override before an indication is made that the point is sharp. NBS determined that if a point was flexible and could not retain its shape under a force of 0.5 pound, the point would be incapable of puncturing skin.

The proposed test method also provided that no more than 1.0 pound of force could be applied to a point when it is inserted into the gaging slot of the tester. The purpose of this maximum application force is to preclude a false indication of sharpness occurring from a point that is shaved or extruded into the slot. This could occur when a point's configuration barely prevents it from entering the slot far enough to fail the test criteria.

The testing criteria in the August 1977 proposal involved testing for sharp points before and after application of the Commission's "use and abuse" test procedures (16 CFR 1500.50–53). These test procedures are intended to expose potential hazards that could result from normal use or the reasonably foreseeable damage or abuse to which toys and games are subjected.

The Commission has concluded that, pending additional staff review, the bite test provisions in the use and abuse regulations (16 CFR 1500.51(c), 1500.52(c), and 1500.53(c)) should not be incorporated into the sharp point test criteria. The August 1977 proposal reflected this conclusion.

(d) ACCESSIBILITY CRITERIA

The August 1977 proposal included criteria for determining when a sharp point was sufficiently accessible to present a hazard to children under 8 years of age. Any point that was inaccessible would not fail to meet the criteria, even if it would be considered sharp by the sharp point test device.

The proposal specified two articulated probes that were intended to determine accessibility of children's fingers to potentially hazardous points. The Commission selected the anthropometric measurements[3] of young children for the lengths and the diameters of the small and middle fingers as well as the dimensions for hand clearance. Because children up to the age of 8 years are in a period of rapid growth, the anthropometric measurements were divided into two age groups—0 to 3 years and 3 years to 8 years of age. The two probes correspond to these same age groups.

To insure protection of the greatest number of children in each age group, the Commission selected anthropometric measurements that reflect the following assumptions:

(i) That the younger children in each age group have narrower hands and therefore can reach into openings which would be inaccessible to an older child.

(ii) That the older children in each age group have longer fingers and therefore can touch the inside components of toys which would be inaccessible to a younger child.

Furthermore, anthropometric data are not available for the dimensions of a child's index finger. Those dimensions have been approximated by averaging the respective dimensions of the small and middle fingers of children in the two age groups.

In the 0- to 3-year age group, measurements for a fifth-percentile[4] 3-month-old's small and middle fingers were averaged and used to approximate the diameter of the index finger. Measurements for a 95th-percentile[5] 3-year-old's small and middle fingers were averaged and used to approximate the length of the index finger. The minimum hand-clearance measurement of a fifth-percentile 3-month-old child was selected. These measurements were then used to define the dimensions of probe A.

Similarly for the 3-year to 8-year age group, measurements for the small and middle fingers of a fifth-percentile child 37–42 months of age were averaged to approximate the diameter of the index finger. Measurements for the small and middle fingers of a 95th-percentile child 85–96 months of age were averaged and used to approximate the length of the index finger. The minimum hand-clear-

[2] An exception is that, under section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)), a toy presenting an "imminent hazard" may be banned immediately by publication of a single notice in the FEDERAL REGISTER.

[3] All measurements were obtained from the University of Michigan's study, "Physical Characteristics of Children as Related to Death and Injury for Consumer Product Design and Use," Highway Safety Research Institute, The University of Michigan, Ann Arbor, Mich. 48105.

[4] A fifth-percentile 3-month-old child represents a child this age who is smaller than 95 percent and larger than 5 percent of children the same age.

[5] A 95th-percentile 3-year-old child represents a child this age who is larger than 95 percent and smaller than 5 percent of children the same age.

ance dimensions for a fifth-percentile child 37–42 months of age were selected. These dimensions were then used to define the dimensions of probe B.

Probe A determined the accessibility of points in holes, recesses, or openings on toys intended for children 3 years of age or less. Probe B determined the accessibility of points in holes, recesses, or openings on toys intended for children over 3 years up to 8 years of age.

Based on staff recommendations and the anthropometric measurements from the University of Michigan study on the physical characteristics of children (cited in footnote 2, above) in the two age groups, the Commission defined accessibility for holes, recesses, and openings on toys and other children's articles as follows:

(1) *Finger access.* Section 1500.48(c)(3)(i) of the proposed regulation provided that access into openings which are large enough to accept a child's finger but too small to accept a child's hand would be determined by the appropriate accessibility probe.

Each of the two joints on a probe could be rotated up to 90 degrees to simulate knuckle movement and the total depth of insertion for accessibility would be up to the collar on the probe that is appropriate for either the 0- to 3-year age group (probe A) or the 3-year to 8-year age group (probe B).

The diameter of the collar on each probe was representative of the hand-clearance diameter of a fifth-percentile child in the youngest age category within each age group. For the 0- to 3-year age group, the youngest age category is 0–3 months of age and for the 3-year to 8-year age group, the youngest age category is 37–42 months of age.

(2) *Hand access but not shoulder access.* Section 1500.48(c)(3)(ii) of the proposed regulation provided that access into openings large enough to accept a child's hand and arm but too small to admit the child's torso (body trunk) would be determined by the dimensions of the entrance of the opening. Such openings include openings that are larger than the width of a child's hand but smaller than the breadth of a child's shoulders. The Commission proposed that a depth-of-insertion factor of two and one-quarter multiplied by the minor dimension of an opening be used to determine the accessibility of points in such openings.

The Commission defined a minor dimension of an opening as the diameter of the largest sphere that will pass through the opening, and it could be determined by using a pair of calipers. This dimension, multiplied by two and one-quarter, determined the maximum depth of insertion for accessibility.

The value of two and one-quarter is the approximate average of the ratio of arm length to shoulder breadth for a 50th-percentile child in each of the two age groups. For example, the depth of insertion into an opening with a minor dimension slightly smaller than the breadth of a child's shoulders will be slightly less than the length of the child's arm.

(3) *Total accessibility.* The Commission proposed that openings larger than the breadth of a child's shoulders should be considered totally accessible.

For the 0- to 3-year age group, the Commission selected a shoulder breadth measurement of 7.36 inches. This measurement represents a fifth-percentile one-year-old child, since children who are under one-year of age are less mobile and therefore are less likely to climb into cavities than children who are one year of age or older.

For the 3-year to 8-year ago group, the Commission selected a shoulder breadth measurement of 9.00 inches. This measurment represents a fifth percentile child in the age category of 37–42 months.

The Commission proposed that, for toys intended for children 0 to 3 years of age, access into openings with a minor dimension of 7.36 inches or larger would be considered totally accessible to a child. For toys intended for children 3 years to 8 years of age, access into openings with a minor dimension of 9.00 inches or larger would be considered totally accessible to a child. Because openings that are totally accessible to children in the 0–8 years of age span may contain smaller openings that are not totally accessible to such children, access into these smaller openings would be determined by the appropriate procedures explained above.

(4) *Inaccessible points.* From the results of sharp point tests conducted on a representative sample of toys, the Commission observed that tabs, wires, and other protrusions do not present a puncture or laceration hazard if such protrusions are flush with a protecting surface which is part of the toy. The Commission therefore decided that a point should be considered inaccessible if it is protected by an adjacent surface and any gap between the point and the adjacent surface does not exceed 0.020 inch.

(e) EXEMPTIONS

The proposed regulation exempted baby cribs and bicycles that are the subject of safety regulations already issued by the Commission under the FHSA (see 16 CFR 1500.18(a)(12), (13), and (14); 16 CFR Parts 1508, 1509, and 1512). These children's products, because they have already been addressed by the Commission in specific regulations, did not need to be addressed by the generic safety requirements for sharp points.

Although the Commission had considered whether other children's products should be exempted from coverage, it decided in issuing the proposal that no other such exemptions were necessary or appropriate. Of course if any toy or children's article intended for children under 8 does not comply with the technical requirements but does not present a hazard, the Commission would not initiate any banning action against such an article.

The Commission included in the proposed technical requirements an exemption for children's products that have sharp points by reason of their functional purpose (and that do not have any nonfunctional sharp points). Toys with functional sharp points, such as needles for toy sewing machines, were exempted as long as the toy was identified by a conspicuous, legible, and visible label as having a sharp point(s). Other children's articles with functional sharp points, such as the tips on writing instruments, were exempted and did not require any labeling.

In addition, the Commission discussed the applicability of the regulation to model and craft kits. Most children under 8 years of age do not have the dexterity and the reading ability necessary for assembling complicated model and craft kits, and such products in the marketplace today are usually not intended for children in the under-8 age category. Therefore, the Commission clarified that model and craft kits were excluded from the scope of the proposed regulation.

(f) PREEMPTION

Whether a technical requirements regulation would preempt a state or local regulation that applies to sharp points on toys is a crucial issue. However, it is possible that the Commission's interpretation of the FHSA's preemption provision would not affect resolution of this question if a dispute arose. For example, if a state banned a toy and the manufacturer of the toy claimed that the state's authority was preempted by the existence of the Commission's regulation, the Commission would not necessarily be a party to any litigation or any out-of-court negotiation which might occur.

Nevertheless, the Commission interpreted the FHSA preemption provision (section 18 of the FHSA) and stated its view of how that provision would apply to a technical requirements regulation established to protect against the hazard of sharp points on toys intended for children under 8 years of age. The Commission's position, as stated in the August 4, 1977, FEDERAL REGISTER document, was that state and local governments would be prohibited from establishing or enforcing any nonidentical requirement that addresses the hazard of sharp points on toys intended for children under 8.

The Commission's proposed regulations are technical requirements that establish technical criteria for toys intended for children under 8. As long as states or local governments use these same criteria to regulate such toys, their requirements would be considered to be identical to the Commission's requirements, and thus not prempted according to the Commission's stated view of the preemption provision.

Even if a state or local government were to impose different penalties or use different procedures to regulate toys, there would be no preemption as long as the technical criteria were identical. As an example, if a state were to ban automatically any toy not meeting the criteria, such a ban would not be preempted by the Commission's technical require-

ments, according to the position taken by the Commission when it proposed the requirements in August.

(g) EFFECTIVE DATE

The regulation was proposed to become effective 365 days after its publication in final form in the FEDERAL REGISTER, and to apply to all products introduced into interstate commerce after that date.

The Commission further proposed that introduction into interstate commerce, for purposes of the regulation, be defined as follows: A toy manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A toy manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate, whichever occurs earlier.

(h) ENVIRONMENTAL CONSIDERATIONS

Before proposing the technical requirements regulation, the Commission assessed the environmental impact and concluded that no potentially significant environmental effects would be associated with the regulation. The Commission therefore found that there was no need for an environmental impact statement.

COMMENTS ON PROPOSAL

The Commission received 25 comments on its August 1977 proposal of a technical requirements regulation. Twenty-one of these came from the toy industry, including comments from a large retailer, from the trade association Toy Manufacturers of America, Inc. (TMA), and from individual toy manufacturers. In addition, two individual consumers, Consumers Union, and a Johns Hopkins University epidemiologist who specializes in the prevention of injuries commented on the proposal. These comments are discussed below, according to the issues they address (the issues are categorized to correspond generally to the "Proposed Regulation" discussion of this preamble).

(a) RISK OF INJURY

One manufacturer has commented that the injury data discussed by the Commission in support of its August 1977 sharp points proposal (1) do not adequately establish that an injury problem is associated with sharp points and (2) are the same set of data that justify the Commission's proposed sharp edges regulation (published for comment in the FEDERAL REGISTER on September 1, 1977, 42 FR 44160).

In the Commission's view, the injury data indicate a need for regulation of sharp points on toys intended for children under 8 years of age. As discussed in section (a) of the "Proposed Regulation" portion of this preamble, the NEISS data, in-depth investigation reports, and staff investigation of sharp points present in toys in the marketplace during the last few years all point to the conclusion that certain toys can puncture and lacerate skin. This information must be considered with the staff's technical judgment that certain types of sharp points on toys—some 90-degree corners on sheet metal toys, for example—are hazardous to children under 8 years of age.

The Commission reaffirms its finding that certain sharp points on toys may present an unreasonable risk of injury to such children. In addition, since sharp edges on toys cause laceration injuries in much the same way that sharp points do, the same set of data is relevant to both toy regulations.

(b) PROCEDURES

The banning procedure for toys which fail to meet the criteria and which the Commission believes present an unreasonable risk of injury is discussed in section (b) under "Proposed Regulation." The procedure under the final regulation is the same as the procedure proposed in August 1977.

Before any toy can be banned, the Commission must notify those who would be affected by the ban, such as the manfacturer of the toy. TMA and numerous other industry commenters have suggested that the notification be divided into two stages. They believe that manufacturers should be guaranteed a reasonable opportunity to respond to the Commission before any proposed ban is published in the FEDERAL REGISTER.

The Commission recognizes that a publicly proposed ban could adversely affect the marketability of a product, even if a final ban is never imposed. However, this factor must be balanced against the need for expeditious banning procedures. This need can be especially important because the current procedures already require a pre-screening procedure (testing according to the technical requirements), a banning proposal, and a final ban to remove a product from the market.

Although the Commission may decide that prior notice to manufacturers of potentially hazardous toys would be fair and appropriate in particular circumstances, it does not believe that it should be restricted to this approach in all cases. If safety demands that a toy be removed from the market without any unnecessary delay, the Commission plans to notify affected persons individually or by FEDERAL REGISTER publication and then issue a final ban as soon as it has considered the comments received.

In a different comment concerning the procedures, one manufacturer has stated that a self-executing (automatic) banning regulation would be preferable to the proposed technical requirements regulation which does not distinguish between "acceptable" and "non-acceptable" sharp points on toys. If the Commission could have devised a regulation which did distinguish points in this manner, it would have issued it as a self-executing regulation. Since no available test device takes into account all of the necessary variables such as location, however, the final regulation adopts the proposed approach which permits the Commission to take such variables into account before banning any particular toy.

The Commission recognizes that, prior to final Commission banning action, the final regulation does not provide to either manufacturers or consumers positive identification of those products which may fail to meet the test criteria but which may not present an unreasonable risk of injury due to sharp points. Nevertheless, products which meet the test criteria are positively identified as not presenting a hazard due to sharp points and manufacturers can use these criteria during product design to ensure that their products will comply with the regulation.

In its comments, another toy manufacturer has suggested (1) that an evaluation of a toy which fails to meet the technical criteria take place at the Commission's regional office level to make manufacturers' involvement more convenient and (2) that Commission staff opinions on the safety of new toys be easily available. Whenever appropriate and feasible, the Commission field staff will be available to talk to manufacturers of toys which fail to meet the test criteria. In addition, the enforcement staff is always available to discuss the applicability of the criteria to new toys, although it cannot, of course, provide premarket approval of toys or of any other product.

(c) SHARP POINT TEST CRITERIA

TMA has made several comments on the sharp point test criteria proposed in August 1977. TMA has suggested and the Commission has agreed that the engineering drawings of the test device that are on file with the Commission should be specifically referenced in the regulation. This change is reflected in § 1500.48 (d) of the final regulation issued below.

TMA has also recommended that, in the interests of convenience and uniformity, the test device at figure 1 be redesigned to incorporate the 1.00 pound application force that is contained in the regulation (§ 1500.48(d)(2)(iii)). The Commission finds that the test instrument in the proposed regulation is satisfactory for its own testing purposes and will ensure that the 1.00 pound force limitation is not exceeded. If manufacturers choose to add to their test instruments a feature to register application force automatically, they are free to do so. As is stated in the regulation, any device which yields equivalent results to the test instrument shown in figure 1 may be used.

TMA has additionally suggested that the word "minimum" not be applied to the distance the sensing head is recessed in the explanation of how the sharp point test device operates (§ 1502.48(d)(1)). The Commission agrees with TMA that the inclusion of the word "minimum" which qualifies the depth of the sensing head below the face of the end cap may be confusing. Similarly, the word "maximum" which qualifies the dimensions of

the rectangular gaging slot opening of 0.040 inch by 0.045 inch, as well as the words "not more than" which qualify the 1.00 pound application force at which a point is inserted into the gaging slot, may need clarification. The Commission included these qualifiers to the opening dimensions of the gaging slot, the depth of the sensing head, and the application force to indicate to a manufacturer that these maximum dimensions, minimum depth, and maximum force represent the most stringent conditions that the Commission may use during compliance testing. To clarify these critical parameters, however, the qualifying words have been deleted from the final regulation and the following explanatory sentence has been added to § 1500.48(d)(2): "The test instruments used by the Commission in its tests for compliance with this regulation shall have gaging slot opening dimensions no greater than 0.040 inch by 0.045 inch and shall have the sensing head recessed a depth of no less than 0.015 inch. The force applied by the Commission when inserting the point into the gaging slot shall be no more than 1.00 pound."

The Commission believes that the addition of these sentences to the regulation clarifies the most stringent values for the critical parameters which define the gaging cavity of the test instrument and the application force, which may be used during the Commission's compliance tests. Manufacturers, on the other hand, if they wish to provide a margin of safety, should be sure that the gaging slot opening in their test instruments has opening dimensions of more than 0.040 inch by 0.045 inch and a sensing head depth of less than 0.015 inch. In addition, manufacturers may wish to use an application force of more than 1.00 pound. The Commission points out that manufacturers are under no obligation to perform any testing to ensure compliance with the regulation.

One manufacturer, Mattel, has also commented on certain aspects of the sharp point test criteria. In describing its own sharp point testing procedures, the manufacturer seems to suggest that its procedures would be preferable to the Commission's proposed procedures (which were developed by the National Bureau of Standards). The Commission staff was already familiar with Mattel's test procedures and had performed a comparison of the two procedures in December 1975. Although there was a high degree of correlation between the two procedures, the Commission staff found the NBS tester more repeatable, easier to use, and more helpful to designers of toys because it rated point sharpness based on the specific geometry of the point.

Mattel has suggested that the gaging slot opening dimensions in the Commission's proposed test instrument be reduced to determine the acceptability of a plastic point. If the suggestion made by this commentor were adopted as written, it would have the effect of permitting sharper plastic points on toys than would be permitted by the criteria issued below. The subject of plastic points is further discussed below in section (e) on "Exemptions".

(d) ACCESSIBILITY CRITERIA

Consumers Union (CU) has commented in some detail about the accessibility probes that are incorporated into the test criteria at § 1500.48(c), and has suggested the following:

1. Taper the finger portion of the probe (a) to correspond with the cross sectional dimensions that vary and (b) to be equated with the fifth percentile of the respective age group.

2. Taper the transition area, from the finger to the hand, to reflect more accurately the contour of the hand. CU has stated that the values of 1.02 inches and 1.51 inches (for hand clearance in the two age groups) seem to be too large for the dimension representing the region of the hand, where the third joint of the finger joins the hand.

3. Insert the probe, during testing, into the test openings with a force representative of the amount of force that children of the respective age groups may be expected to exert.

4. Articulate the probes at the junction of the finger to the hand and at the junction of the hand to the extension.

In addition, Consumers Union does not find any realistic relationship between the minor dimension of the opening multiplied by 2¼ and the depth to which a child may insert his or her fingers, hand, and arm through an opening. Practical observations by CU indicate that a 4½ year-old child could insert his or her hand and arm a distance of 9.7 inches through a 1¾-inch-wide opening and a distance of 16.5 inches, i.e. to the shoulder (torso) through a 2-inch-wide opening. Based on these observations, the multiplication factors should be 5.5 and 8.3, respectively.

CU has concluded that the probes should be revised dimensionally and, with regard to articulation, should more accurately simulate the finger, hand and arm of the respective age ranges of children. CU also believes that the probe should be inserted into openings under evaluation as far as possible, in all directions possible, and at all degrees of articulation. If force of insertion causes flexing that may expose sharp points to contact, then insertion should be made with forces suitable for each age group.

For a number of reasons, the Commission does not believe that any changes in the probes or the accessibility criteria are necessary.

The development of the accessibility probes proposed in August 1977 was conducted in response to a number of comments on the January 1975 proposal. Those comments stated that any probe should be based solely on child anthropometric data and not on data which incorporated adult dimensions.

Child dimensional data is available for the fingers, hand, and arm. However, it is intuitively obvious that children in the age range of concern, 0–8 years, become larger as they get older. Therefore, the problem of setting dimensions for accessibility is a dynamic one. One must first choose a small age range for which the dimensions are desired and then decide what percentile within that group would be appropriate. It immediately becomes apparent that for a given percentile in a body of data, thet selected dimension will increase as age increases.

With the above background points in mind, the Commission considered the problem of constructing a device which simulates the finger of a 95th percentile child. Since the device must have only one dimension each for length and diameter, it becomes necessary to select these single dimensions from the data. In order to construct the test device, the Commission made the following determination:

Only two probes should be used, one each for the age spans of 0–3 years and over 3 and up to 8 years. This was done in the interests of simplicity and economy. Rather than build 8 probes based on data at yearly increments, the Commission decided that two probes would be sufficient to cover the age ranges. The division point of three years was selected to correspond with that established in the already-issued Commission use and abuse testing procedures. To select another division point would have simply added confusion to the Commission's overall toy safety program.

The Commission believes that adoption of CU's first two suggestions would conflict with the philosophy behind the probes which is reasonable representation and simplicity. With the use of the extreme dimensions within each range there is no advantage to tapering the probes at any particular place. Tapering would not resolve the basic problem of which dimension should be required. Further, tapering the probes would add to the cost of fabrication without adding any appreciable degree of safety.

Adoption of CU's suggestion that the probe be inserted with a force appropriate to the respective age group would add substantially to the complexity of screening toys for accessible sharp points. To accomplish this suggestion would require a force transducer in series with the probe and the suspected sharp point. This is difficult and contrary to the objective of maintaining simplicity, and the suggestion is rejected.

With regard to articulation of the probe at the junction of the finger to the hand, very little safety would be gained for the added cost of fabrication and complexity. The existing probes have the capability of flexing through an arc of 180 degrees. The suggested change would add 90 degrees to this capability after certain engineering changes. In only one instance would this capability be useful. This would be an opening through which a child would curl his finger as in making a fist and then have sufficient strength left to puncture the skin. The Commission does not believe the situation occurs with frequency sufficient to justify the addition. For the same reason, the Commission is rejecting the suggestion for articulation at the wrist.

Finally, CU has contended that there is no rationale for the 2.25 multiplication factor with regard to large openings. This multiplication factor was derived from the ratio between a child's arm length and shoulder breadth and was found to be approximately 2.25 for children in any age group between 1 and 8 years of age. The Commission wishes to point out that if an opening is large enough to permit entry of a child's hand, the depth to which the child could reach would be equal to the child's arm length. However, in its efforts to derive accessibility criteria which are reasonable and which reflect the probable actions of the majority of children, the Commission believes that the location of sharp points subject to the test should be related to the size of the entrance of the opening. The Commission therefore finds that the 2.25 multiplication factor is reasonable and, in the absence of further information to guide the Commission, there is no compelling argument to change the multiplication factor to another quantity.

(e) EXEMPTIONS

Various manufacturers and TMA have supported exemptions for various products, including: Replicas of real-life devices that are neither model nor craft kits; gates or sprues on plastic toys which arise when the toys are broken off from a stringer produced in the molding process; sporting goods, camping goods, and athletic equipment; musical instruments and furniture (but not toys which are counterparts of such products); playground equipment; and kites. TMA has mentioned that its voluntary standard PS 72/76 excludes most of the above products, and has asserted that the listed products are not intended to be covered by the Commission's regulation.

The Commission, as stated clearly in the preamble to the August 1977 proposed regulation, does intend the regulation to include other articles intended for use by children under 8 years of age, as well as toys. The only intended exemptions and exclusions have been discussed in section (e) under "Proposed Regulation." If the Commission did exempt a wide variety of products, as suggested, the purpose and effectiveness of a generic regulation would be defeated. In fact, one of the reasons for changing the "self-executing" regulatory approach was to issue a broad generic regulation that regulates nearly all of the numerous products comprising the play environment of children from birth to 8 years.

The same reasoning applies to an exemption for plastic "gates" that are formed during the manufacturing process. Very often these gates are harmless, even if left untrimmed, because of their location or because they are made of soft plastic. However, if the plastic is hard and the gate is prominently exposed, lacerations or avulsions could result from use of the article by a child. The Commission would therefore use its discretion before banning any toy because of a plastic gate, and this is exactly what will occur under the "non-banning" approach embodied in the regulation issued below.

TMA has also requested that the regulation include a formal exemption procedure for future use. Since the regulation can be amended according to the informal notice and comment rulemaking procedures of the Administrative Procedure Act, the Commission intends that this would be the procedure for exempting any products it subsequently believes should be exempt from coverage. Any interested person may, of course, petition the Commission to amend the regulation to exempt products from coverage.

With regard to TMA's request for an exemption for musical instruments, the Commission believes that full-size, real-life musical instruments are not within the scope of the regulation, even though they could occasionally be used by children under 8 years of age. Therefore, no exemption for such instruments has been added. Toy musical instruments and real-life musical instruments that because of their smaller size are intended primarily for children under 8, however, are clearly within the scope of the regulation.

Finally, with regard to the functional sharp point exemption, the Pencil Makers Association, Inc. has suggested that the regulation be clarified to state specifically that a pencil is an example of an article included within the § 1500.48 (b) (2) (iii) exemption for functional sharp points. The Commission believes that such a clarification is unnecessary. The regulation already states that ballpoint pens are one example of articles that may have a sharp point but are nevertheless exempted from the regulation because the point is a functional one. Pencils would certainly be another example. By including one example, the Commission did not exclude other articles from the applicability of the functional sharp point exemption.

(f) PREEMPTION

As discussed in the preamble to the August 1977 FEDERAL REGISTER proposal and as discussed in section (f) under "Proposed Regulation" in this preamble, the Commission believes that State and local regulations would not be preempted by a technical requirements regulation, as long as they use the identical technical criteria. The use of different procedures by State and local governments, including an automatic banning approach for toys not meeting the criteria, would not change this result.

Nearly all of the industry commenters disagreed with this portion of the Commission's interpretation of the preemptive effect of the regulation issued below. They cited and discussed the legislative history of the FHSA preemption provision to show the Congressional intent that State and local governments should be prohibited from addressing the same risk of injury in a different manner than the Federal government. Chaos and a severe economic impact would result from the Commission's position, in the opinion of the industry commenters.

The Commission agrees that Congress intended manufacturers to be protected from the difficult task of complying with different manufacturing criteria in different parts of the country. As Senator Moss stated, in legislative history cited by TMA in its comments, "* * * to the extent possible, manufacturers who produce products for a national market should be required to comply with only national standards" (Cong. Record, April 28, 1976, page 56147, Column 3, Daily Edition). It is partly for this reason that the Commission interprets the FHSA preemption provision as preventing State and local governments from using non-identical technical criteria.

Under the Commission's interpretation of preemption, manufacturers can rely on the technical criteria set forth in the regulation below. No State or locality could use differing criteria to ban, because of sharp points, a toy intended for children under 8 years of age. Despite the strong and articulate comments submitted by the industry, however, the Commission still does not believe that the FHSA preemption provision prohibits States and localities from using different procedures in conjunction with the technical criteria. FHSA preemption applies only to "requirements" and the Commission's two-stage banning approach is neither included in nor required by the technical requirements regulation issued below.

Nevertheless, the Commission believes that the technical requirements regulation should not be used to ban automatically all toys not meeting the technical criteria. As a matter of public responsibility and of fairness, a regulatory body should evaluate the hazard presented by any toy which fails to meet the technical criteria before banning that toy.

The Commission's two-stage banning procedure, which provides an opportunity for considering the comments of the affected industry prior to banning, guarantees this responsibility and fairness at the Federal level. The Commission strongly encourages the use of the same or similar procedures at the State and local levels prior to the banning of any toy intended for use by children under 8 years of age that contains sharp points.

(g) EFFECTIVE DATE

The Commission has received no comments on what would be an appropriate effective date of the final regulation. As proposed, the regulation issued below will become effective December 22, 1978. All products introduced into interstate commerce after this date are subject to the regulation.

The Commission restates that, for purposes of the regulation, introduction into interstate commerce is defined as follows: A toy manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A toy manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale of one or more of its components and/or raw materials were received interstate, whichever occurs earlier.

(h) ENVIRONMENTAL CONSIDERATIONS

The Commission has received no comments on the environmental impact of the regulation or on its decision that there is no need for an environmental impact statement.

(i) MISCELLANEOUS

(1) TMA has suggested that the Commission reference section 2(q) of the FHSA as authority for issuing the technical requirements regulation. As TMA has pointed out, the Commission's preemption position makes clear its view that the regulation is issued for the enforcement of section 2(q). Nevertheless, the regulation is authorized by section 10(a), which authorizes regulations "for the efficient enforcement" of the FHSA, and section 2(s), which defines articles that are "mechanical hazards." Section 2(q) defines "banned hazardous substances" and the regulation issued below does not ban any product.

(2) Susan P. Baker, an Associate Professor in the Johns Hopkins University's School of Hygiene and Public Health, has commented on the scope of the regulation. She believes that the regulation should address foreseeable behavior and accidents involving high velocity impact with toys.

The Commission's view is that certain types of injuries cannot be addressed by a regulation which deals solely with the injury agent. A child who runs and falls onto any toys, or other household objects that are encountered daily, may sustain a laceration injury regardless of the shape of the toy or of the presence or absence of sharp points. By blunting or eliminating sharp points, the Commission believes that this regulation will reduce the severity of some of these types of injuries. In addition, if the Commission finds that a substantial number of additional toy-related injuries can be eliminated by further generic regulation, it will strongly consider issuing such a regulation.

(3) Two consumers have questioned the ability of the Commission to regulate effectively and the need for the proposed regulation. Despite these comments, the Commission believes that the existing hazard data support the need to reduce the potential unreasonable risk of injury associated with certain sharp points on toys. In addition, the Commission believes that the regulation issued below will be effective in setting a standard of safety for the toys intended for children under 8 years of age that are currently available and for the thousands of new such toys introduced into the marketplace each year.

FINAL REGULATION

With the exception of the minor changes discussed above, the final technical requirements regulation is identical to the August 1977 proposal. The Commission restates that English figures are used throughout the regulation. Their metric approximations are included in parentheses for convenience and information only.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(s), 10(a), 74 Stat. 378 (15 U.S.C. 1261, 1269)) in accordance with the provisions of 5 U.S.C. 553, and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–753, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a))), the Commission amends 16 CFR Part 1500 by adding a new § 1500.48, as follows:

§ 1500.48 Technical requirements for determining a sharp point in toys and other articles intended for use by children under 8 years of age.

(a) *Objective.* The sharp point test prescribed by paragraph (d) of this section will be used by the Commission in making a preliminary determination that points on toys and other articles intended for use by children under 8 years of age, and such points exposed in normal use or as a result of reasonably foreseeable damage or abuse of such toys and articles, present a potential risk of injury by puncture or laceration under section 2(s) of the Federal Hazardous Substances Act (15 U.S.C. 1261(s)). The Commission will further evaluate points that are identified as presenting a potential risk of puncture or laceration injury to determine the need for individual product regulatory action.

(b) *Scope*—(1) *General.* The sharp point test of paragraph (d) of this section is applicable to toys or other articles that are introduced into interstate commerce on or after December 22, 1978. The sharp point test shall be applied to any accessible portion of the test sample before and after subjecting the test sample to the use and abuse tests of §§ 1500.51, 1500.52, and 1500.53 (excluding the bite test-paragraph (c) of each section).

(2) *Exemptions.* (i) Toys and other children's articles that are the subject of any of the following regulations are exempt from this § 1500.48: The regulations for bicycles, non-full-size baby cribs, and full-size baby cribs (Parts 1508, 1509, and 1512, of this chapter).

(ii) Toys that by reason of their functional purpose necessarily present the hazard of sharp points and that do not have any nonfunctional sharp points are exempt from this § 1500.48: *Provided,* Each toy is identified by a conspicuous, legible, and visible label at the time of any sale, as having functional sharp points. An example of such toys is a toy sewing machine with a needle.

(iii) Articles, besides toys, intended for use by children that by reason of their functional purpose necessarily present the hazard of sharp points and that do not have any nonfunctional sharp points are exempt from this § 1500.48. An example of such articles is a ball-point pen.

(c) *Accessibility*—(1) *General.* Any point that is accessible either before or after these tests of §§ 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed shall be subject to the sharp point test of paragraph (d) of this section.

(2) *Accessible points.* (i) An accessible point for a toy or article intended for children 3 years of age or less is one that can be contacted by any portion forward of the collar of the accessibility probe designated as probe A in figure 2 of this section.

(ii) An accessible point for a toy or article intended for children over 3 years up to 8 years of age is one that can be contacted by any portion forward of the collar of the accessibility probe designated as probe B in figure 2 of this section.

(iii) An accessible point for a toy or article intended for children of ages spanning both age groups is one that can be contacted by any portion forward of the collar of either probe A or B, as shown in figure 2 of this section.

(3) *Insertion depth for accessibility.* (i)

(3) *Insertion depth for accessibility.* (i) For any hole, recess, or opening having a minor dimension (The minor dimension of an opening is the diameter of the largest sphere that will pass through the opening.) smaller than the collar diameter of the appropriate probe, the total insertion depth for accessibility shall be up to the collar on the appropriate probe. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(ii) For any hole, recess, or opening having a minor dimension larger than the collar diameter of probe A but less than 7.36 inches (186.9 millimeters), when probe A is used, or a minor dimension larger than the collar diameter of probe B but less than 9.00 inches (228.6 millimeters), when probe B is used, the total insertion depth for accessibility shall be determined by inserting the appropriate probe with the extension shown in figure 2 in any direction up to two and one-quarter times the minor dimension of the hole, recess, or opening, measured from any point in the plane of the opening. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(iii) For any hole, recess, or opening having a minor dimension of 7.36 inches (186.9 millimeters) or larger when probe A is used, or a minor dimension of 9.00 inches (228.6 millimeters) or larger when probe B is used, the total insertion depth for accessibility is unrestricted unless other holes, recesses, or openings within the original hole, recess, or open-in gare encountered with dimensions specified in paragraph (c)(3) (i) or (ii) of this section. In such instances, the appropriate paragraphs (c)(3) (i) or (ii) of this section shall be followed. If both probes are to be used, a minor dimension that is 7.36 inches (186.9) millimeters) or larger shall determine unrestricted access.

(4) *Inaccessible points.* Points shall be considered inaccessible without testing with a probe if they lie adjacent to a surface of the test sample and any gap between the point and the adjacent surface does not exceed 0.020 inch (0.50

millimeter) either before or after the tests of §§ 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed.

(d) *Sharp point test method*—(1) *Principle of operation.* The principle of operation of the sharp point tester shown in figure 1 of this section is as follows (Detailed engineering drawings for a suggested sharp point tester are available from the Commission's Office of the Secretary.): A rectangular opening measuring 0.040 inch (1.02 millimeters) wide by 0.045 inch (1.15 millimeters) long in the end of the slotted cap establishes two reference dimensions. Depth of penetration of the point being tested determines sharpness. If the point being tested can contact a sensing head that is recessed a distance of 0.015 inch (0.38 millimeter) below the end cap and can move the sensing head a further 0.005 inch (0.12 millimeter) against a 0.5-pound (2.2-newton) force of a return spring, the point shall be identified as sharp. A sharp point tester of the general configuration shown in figure 1 of this section or one yielding equivalent results shall identify a sharp point. In conducting tests to determine the presence of sharp points, the Commission will use the sharp point tester shown in figure 1 of this section and the accessibility probes designed as A or B in figure 2 of this section.

(2) *Procedure.* (i) The sample to be tested shall be held in such a manner that it does not move during the test.

(ii) Part of the test sample may need to be removed to allow the sharp point testing device to test a point that is accessible by the criteria of paragraph (c) of this section. Such dismantling of the test sample could affect the rigidity of the point in question. The sharp point test shall be performed with the point supported so that its stiffness approximates but is not greater than the point stiffness in the assembled sample.

(iii) Using the general configuration shown in figure 1 of this section, the adjustment and operation of the sharp point tester is as follows: Hold the sharp point tester and loosen the lock ring by rotating it so that it moves towards the indicator lamp assembly a sufficient distance to expose the calibration reference marks on the barrel. Rotate the gaging cap clockwise until the indicator lamp lights. Rotate the cap counterclockwise until an equivalent of five divisions (the distance between the short lines on the cap) have passed the calibration reference mark. Lock the gaging cap in this position by rotating the lock ring until it fits firmly against the cap. Insert the point into the gaging slot in all directions in which it was accessible by the criteria of paragraph (c) of this section, and apply a force of 1.00 pound (4.45 newtons). A glowing light identifies the point as sharp.

(iv) The test instruments used by the Commission in its tests for compliance with this regulation shall have gaging slot opening dimensions no greater than 0.040 inch by 0.045 inch and shall have the sensing head recessed a depth of no less than 0.015 inch. The force applied by the Commission when inserting a point into the gaging slot shall be no more than 1.00 pound.

(e) For the purpose of conformance with the technical requirements prescribed by this § 1500.48, the English figures shall be used. The metric approximations are provided in parentheses for convenience and information only.

(Secs. 2(s), 10(a), 74 Stat. 378 (15 U.S.C. 1261, 1269).)

Dated: December 16, 1977.

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

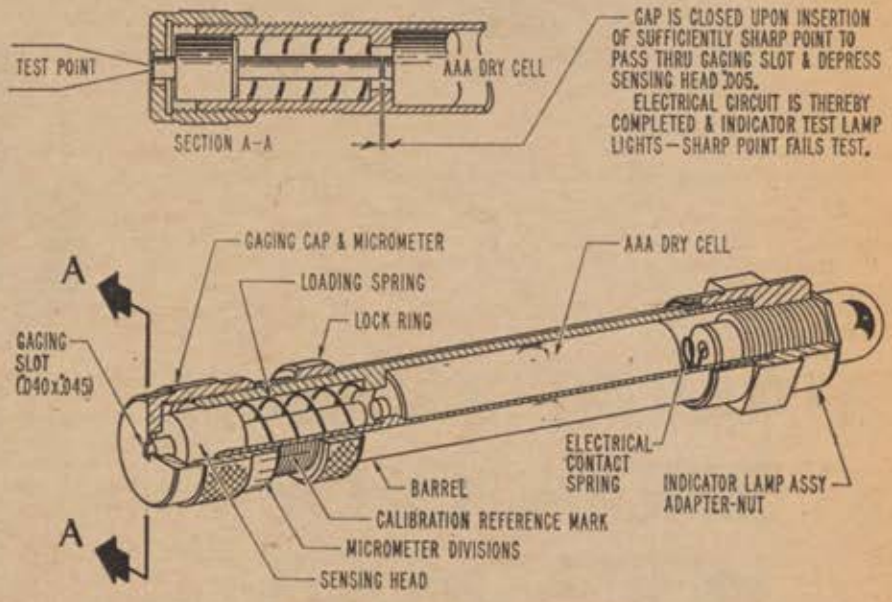
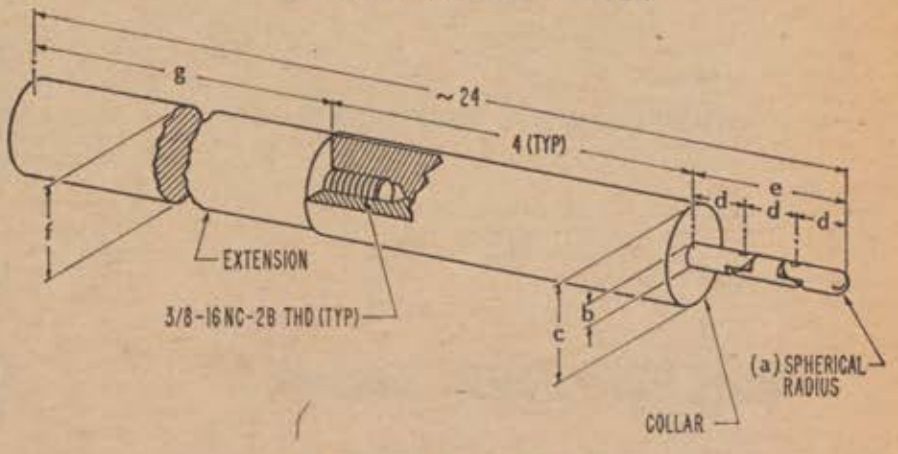


FIG 1—SHARP POINT TESTER



		a	b	c	d	e	f	g
(CHILDREN 0-36 MONTHS INCL)	PROBE A	110	220	1.020	577	1.731	1	18 9/32
(" 37-96 " ")	PROBE B	170	340	1.510	760	2.280	1 1/2	17 25/32

ALL DIMENSIONS IN INCHES

FIG 2—ACCESSIBILITY PROBES

[FR Doc.77-36487 Filed 12-21-77;8:45 am]

federal register

THURSDAY, DECEMBER 22, 1977

PART IV



HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Program Regulations

■

FINAL PROVISIONS

[6115-01]

Title 45—Public Welfare

CHAPTER XVIII—HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

PART 1801—HARRY S. TRUMAN SCHOLARSHIP PROGRAM

Program Regulations; Final Provisions

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Final rule.

SUMMARY: The following are the regulations governing the annual competition for Harry S. Truman Scholarships, as amended by the Board of Trustees of the Foundation on December 12, 1977. The purpose of these amended regulations is to delineate the requirements governing (1) extension of the Scholarship program into graduate study and (2) the work-experience program.

EFFECTIVE DATE: February 1, 1978.

ADDRESS: Harry S. Truman Scholarship Foundation, 712 Jackson Place NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert E. Cleary, 202-395-4831.

SUPPLEMENTARY INFORMATION: The following regulations were first adopted by the Board of Trustees of the Harry S. Truman Scholarship Foundation on September 20, 1976 (41 FR 42666), and have been most recently amended with respect to graduate study and the work-experience program on December 12, 1977.

The Harry S. Truman Memorial Scholarship Act honors the thirty-third President of the United States by creating a perpetual education Scholarship program to help college students prepare for public service careers. The program was established as a living memorial to President Truman because of his high regard for the public trust, his lively exercise of political talents, his broad knowledge and understanding of the American political and economic system, and his strong desire for increased educational opportunities for young people.

The Harry S. Truman Scholarship Foundation is authorized to award Scholarships to persons preparing for a career in public service. The Foundation has defined public service to mean participation in government, with emphasis on administration and management and on potential leadership ability. Careers at all levels and functions of government are specifically included in this definition.

The Foundation carries out an annual nationwide Scholarship competition for outstanding undergraduate college students who plan to follow careers in public service. Nominees for Truman Scholarships must specify in their application their interest in pursuing a career in public service and how their educational plans will prepare them for the chosen career goal. They should detail how the planned academic program will prepare for a specific career in government. Courses in history, political science, public administration, public policy, law, economics and finance, and international relations are among the types of studies considered by many educators to be appropriate in this connection. No such list of areas of study can be comprehensive or exhaustive, however, and applicants should feel free to offer other germane fields of study that they believe would help them prepare for a career in government.

The regulations set forth below govern the annual Scholarship competition. They are issued under the authority of the Harry S. Truman Memorial Scholarship Act, Pub. L. 93-642 (20 U.S.C. 2001-2012).

The amendments adopted to these regulations on December 12, 1977, are meant to deal in a comprehensive way with the graduate portion of the Truman Scholarship Program, typically the final two years of the maximum four years of support permitted under the Act. The amendments also deal with the work-experience program—a period of time not to exceed one year—during which Truman Scholars are encouraged to obtain practical experience working in a Federal, State, or local government office. The Foundation plans to assist Scholars in obtaining such employment.

The newly adopted amendments add a new Subpart D to the regulations, thus requiring the redesignation of existing Subpart D, subsequent subparts, and certain other provisions.

New Section 1801.30 states that only Truman Scholars who, among other things, satisfactorily complete their undergraduate education, are eligible for continued Foundation support for their graduate study. No separate competition will be conducted at the graduate level.

The purpose of new Section 1801.31 is to provide information on the procedures that a Truman Scholar must follow in order to obtain approval of his or her proposed program of graduate study. Foundation approval of the Scholar's proposal is required before financial support is granted for graduate work. Courses in history, political science, public administration, public policy, law, economics and finance, and international relations are among the types of studies considered by many educators to be appropriate for a career in government.

Section 1801.32 requires that Truman Scholars who pursue graduate work must enroll only at accredited colleges and universities that offer graduate degree work.

The new section 1801.33 explains the details of the work-experience program. All Truman Scholars without substantial prior government experience are encouraged to participate following their baccalaureate wor and before beginning graduate study.

In addition to the new sections summarized above, three new terms have been added to the definitions governing the Harry S. Truman Scholarship Program: "Graduate study," "Senior" and "Work-experience program."

Effective date: These regulations are effective February 1, 1978.

Dated: December 14, 1977.

ROBERT E. CLEARY,
Executive Secretary.
JOHN W. SNYDER,
Chairman, Board of Trustees.

Title 45 of the Code of Federal Regulations is amended by establishing a new Chapter XVIII to read as set forth above and adding a new Part 1801, to read as follows:

Subpart A—General

Sec.
1801.1 Annual Truman Scholarship competition.
1801.2 Truman Scholars are selected from each State.
1801.3 Students eligible for nomination.
1801.4 Definitions.

Subpart B—Nomination

1801.10 Nomination by institution of higher education.
1801.11 Annual nomination.
1801.12 Institutions with more than one campus.
1801.13 Two-year institutions.
1801.14 Submission of application to the Foundation.
1801.15 Faculty representative.
1801.16 Closing date for receipt of nominations.
1801.17 Contents of application.
1801.18 Harry S. Truman Scholarship Qualifying Test.

Subpart C—The Competition

1801.20 Selection of semi-finalists.
1801.21 Evaluation criteria.
1801.22 Interview of student with regional review panel.
1801.23 Recommendation by panel.
1801.24 Further recommendations or nominations.
1801.25 Selection of Truman Scholars by the Foundation.

Subpart D—Graduate Study and the Work-Experience Program

1801.30 Continuation into graduate study.
1801.31 Approval of graduate programs by the Foundation.
1801.32 Eligible colleges and degree programs.
1801.33 The work-experience program.

Subpart E—Amount of Payments to Students

1801.40 Travel expenses of semi-finalists.
1801.41 Scholarship awards.
1801.42 Definition of "fee".
1801.43 Allowance for books.
1801.44 Allowance for room and board.
1801.45 Deduction for benefits from other sources.

Subpart F—Payment Conditions and Procedures

1801.50 Acceptance of the scholarship.
1801.51 Report at the beginning of each term.
1801.52 Definition of "term".
1801.53 Payment schedule.
1801.54 Postponement of payment.

Subpart G—Duration of Scholarship

1801.60 Renewal of scholarship.
1801.61 Termination of scholarship.
1801.62 Recovery of scholarship funds.

AUTHORITY: PUB. L. 93-642, 88 Stat. 2276 (20 U.S.C. 2001-2012).

Subpart A—General

§ 1801.1 Annual Truman Scholarship competition.

Each year, the Harry S. Truman Scholarship Foundation carries out a Nationwide competition to select students to be Truman Scholars.

§ 1801.2 Truman Scholars are selected from each State.

(a) At least one Truman Scholar is selected each year from each State in which there is a resident applicant who meets the eligibility criteria in § 1801.3.

(b) As used in this part, "State" means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and considered as a single entity: Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 1801.3 Students eligible for nomination.

A student is eligible to be nominated as a Truman Scholar if he or she:

(a) Is a matriculated student purusing a degree at an institution of higher education during the year in which nominated;

(b) Will be a junior pursuing a bachelor's degree as a full-time student at an institution of higher education the following academic year;

(c) Has an undergraduate field of study that permits admission to a graduate program leading to a career in public service;

(d) Has an undergraduate average of at least "B" or its equivalent and ranks in the upper fourth of his or her class; and

(e) Is a national of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident, or is a permanent resident of the Trust Territory of the Pacific Islands.

§ 1801.4 Definitions.

As used in this part:

"Academic year" means the period of time, typically 8 or 9 months, in which a full-time student would normally complete two semesters, two trimester, three quarters, or the equivalent.

"Foundation" means the Harry S. Truman Scholarship Foundation.

"Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent to secure the degree or certificate toward which he or she is working, in no more than the length of time normally taken at the institution of higher education.

"Graduate study" means courses of study beyond the baccalaureate level which may lead to an advanced degree.

"Institution of higher education" has the meaning given in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"Junior" means a student who has received credit for more than one-half of the coursework required to complete the second year of college, but not more than one-half of the coursework required to complete the third year of college.

"President" means the principal official responsible for the overall direction of the operations of an institution of higher education.

"Public service" means a career at any level or in any function of government.

"Resident" means a person who has legal residence in the State, recognized under State law. If a question arises concerning the State of residence, the Foundation determines, for the purposes of this program, of which State the person is a resident, taking into account parents' place of residence, eligibility for "in-State" tuition rates at public institutions of higher education, and place of registration to vote.

"Senior" means the academic level recognized by the institution of higher education as having fourth year standing.

"Sophomore" means the academic level recognized by the institution of higher education as having second year standing.

"Work-experience program" means employment approved by the Foundation that involves an intensive period of practical work in a Federal, State, or local government office.

Subpart B—Nominations

§ 1801.10 Nomination by institution of higher education.

To be considered in the competition, a student must be nominated by the institution of higher education that he or she attends.

§ 1801.11 Annual nomination.

(a) Except as provided in §§ 1801.12 and 1081.13, each institution of higher education may nominate one student annually.

(b) The nomination must be made by the President of the institution or the designated Faculty Representative, after the President asks for and considers recommendations by the faculty.

§ 1801.12 Institutions with more than one campus.

If an institution of higher education has more than one component separately listed in the current edition of the publication Education Directory: Colleges and Universities (published by the U.S. Department of Health, Education, and Welfare), each component of the institution may nominate one student. However, a component that is organized solely for administrative purposes and has no students enrolled may not nominate a student.

§ 1801.13 Two-year institutions.

If an institution of higher education does not offer education beyond the sophomore level, the institution may nominate only a student who will be a junior the following year at another institution of higher education.

§ 1801.14 Submission of application to the Foundation.

To nominate a student for the competition, the institution of higher education must send the student's application to the Foundation.

§ 1801.15 Faculty representative.

(a) Each institution which nominates a student or which has a Truman Scholar in attendance must give the Foundation the name, business address, and business telephone number of a member of the faculty who will serve as liaison between the institution and the Foundation.

(b) It is the role of this Faculty Representative to publicize the Truman Scholarship Program on campus, solicit recommendations of potential nominees from members of the faculty, and insure that the institution's nomination, with all required supporting documents, is forwarded to the Foundation by the required deadline.

§ 1801.16 Closing date for receipt of nominations.

The Foundation publishes an annual notice in the FEDERAL REGISTER of the date by which institutions of higher education must submit their nominations and all supporting documents in order to be guaranteed consideration by the Foundation.

§ 1801.17 Contents of application.

(a) The Foundation provides a form that must be used as the application.

(b) Each application must include the following:

(1) A statement that the student is an applicant for a Truman Scholarship;

(2) A statement that the student plans to pursue a career in public service;

(3) A list of the student's public service activities, such as those associated with government agencies, community groups, political campaigns, and charities;

(4) A list of leadership positions the student has held during high school and during the first two years of undergraduate school;

(5) A statement that the student is willing to participate in an internship or seminar sponsored by the Foundation;

(6) A statement of interest in a career in government, written by the student, that shows in some detail how the student's academic program and overall educational plans will prepare him or her for that chosen career; and

(7) Examination papers of the Harry S. Truman Scholarship Qualifying Test completed by the student as provided under § 1801.18.

(c) In support of each nomination the following documents must also be submitted:

(1) An essay of 600 words or less written by the student that analyzes a particular public policy issue of interest to the student.

(2) Transcripts of the student's high school and undergraduate scholastic record; and

(3) Three letters of recommendation. One of these letters must be written by a faculty member in the student's field of study, and one must be written by another person who can speak to the student's potential for a career in public service.

§ 1801.18 Harry S. Truman Scholarship Qualifying Test.

(a) The Foundation provides the Harry S. Truman Scholarship Qualifying Test to each institution which nominates a student.

(b) The institution must administer the test in accordance with the instructions that accompany the test.

Subpart C—The Competition

§ 1801.20 Selection of semi-finalists.

The Foundation selects semi-finalists from the students who are nominated.

§ 1801.21 Evaluation criteria.

(a) The Foundation first selects the students from each State who receive the highest scores on the Harry S. Truman Scholarship Qualifying Test.

(b) The Foundation then selects semi-finalists from the students selected under paragraph (a) of this section on the basis of the following criteria:

(1) The extent to which the student has shown an outstanding potential for leadership in the public service; and

(2) The student's academic performance.

(c) The Foundation evaluates each student solely on the basis of the information required under § 1801.17.

§ 1801.22 Interview of student with regional review panel.

The Foundation invites each semifinalist to an interview with a Regional Review Panel.

§ 1801.23 Recommendation by panel.

(a) Each Regional Review Panel recommends two finalists from each State to the Foundation.

(b) The two finalists must be recommended by the Panel in the order of their qualification to be a Truman Scholar.

(c) The recommendations are based on the material required under Section 1801.17 and, as determined in the interview, the panel's assessment of each semifinalist's potential for leadership in government.

§ 1801.24 Further recommendations or nominations.

(a) The Foundation may ask a Regional Review Panel to submit the names of additional finalists for consideration, or may ask institutions of higher education to submit additional nominations.

(b) If additional nominations are made under paragraph (a) of this section, the applications must meet the requirements of Subpart B of this part, and are considered under the procedures of this subpart.

§ 1801.25 Selection of Truman Scholars by the Foundation.

(a) The Foundation names Truman Scholars after receiving recommendations from the Regional Review Panels.

(b) The Foundation also names an alternate for each Truman Scholar. The alternate receives the scholarship if:

(1) The person named as a Truman Scholar is not able to begin studies at the start of the following academic year, and

(2) Payments are not postponed under § 1801.54.

Subpart D—Graduate Study and the Work-Experience Program

§ 1801.30 Continuation into graduate study.

(a) The Foundation will not conduct a new and separate competition for graduate scholarships, nor will it add new Truman Scholars at the graduate level.

(b) Only Truman Scholars who satisfactorily complete their undergraduate education and who comply with Section 1801.31 shall be eligible for continued Foundation support for an approved program of graduate study.

§ 1801.31 Approval of graduate programs by the Foundation.

(a) Early in their senior year, Truman Scholars desiring Foundation support for graduate study must submit a proposed program of graduate study to the Foundation for approval. The proposed program may subsequently be changed with the approval of the Foundation.

(b) Foundation approval of the Scholar's proposal is required before financial support is granted for graduate work.

(c) Scholars must include in their submission to the Foundation a statement of interest in a career in government that specifies in some detail how their graduate program and their overall educational plans will prepare them for their chosen career goal.

(d) Scholars may offer relevant and appropriate fields of study that will help prepare them for a career in government.

§ 1801.32 Eligible colleges and degree programs.

(a) Truman Scholars at the graduate level may study at any accredited college or university that offers graduate study.

(b) They may enroll in any relevant graduate program, including masters of arts, masters of public administration, masters of business administration, law or doctoral study.

(c) Foundation support for graduate study is restricted to two full-time years of study.

§ 1801.33 The work-experience program.

(a) The Foundation encourages all Truman Scholars without substantial previous government experience to participate in a voluntary program of work experience in the public service. This would typically occur after the completion of the baccalaureate degree.

(b) These apprenticeships are intensive periods of practical work ranging up to a year in length in a Federal, State, or local government office arranged with the approval of the Foundation.

(c) Although the Foundation is not authorized to provide financial support during this period, it will attempt to assist Scholars to make appropriate work experience arrangements.

Subpart E—Amount of Payments to Students

§ 1801.40 Travel expenses of semi-finalists.

(a) Each semi-finalist may receive reimbursement for the actual and necessary expenses of round trip transportation to the location of the Regional Review Panel.

(b) The Foundation uses the Federal Travel Regulations (referenced in 41 CFR 101–7.003) as a guide to determine the amount of the reimbursement.

(c) The foundation informs semi-finalists of the procedures for obtaining this reimbursement.

§ 1801.41 Scholarship awards.

Each Truman Scholar receives annually $5000 or the cost of tuition, fees, books, and room and board, whichever is less.

§ 1801.42 Definition of "fee".

As used in this part, "fee" means a typical and usual non-refundable charge by the institution of higher education for a service, a privilege, or the use of property.

§ 1801.43 Allowance for books.

The cost allowed for a student's books is $180 per year.

§ 1801.44 Allowance for room and board.

The cost allowed for a student's room and board is the amount the institution of higher education reports to the College Scholarship Service as the average cost of room and board for the student's institution, given the type of housing the student occupies.

§ 1801.45 Deduction for benefits from other sources.

(a) The cost allowed for a student's tuition, fees, books, and room and board must be reduced to the extent that the cost is paid for by another organization.

(b) This section does not apply to benefits the student receives from the Veterans Administration.

Subpart F—Payment Conditions and Procedures

§ 1801.50 Acceptance of the scholarship.

To receive any payment, a Truman Scholar must sign an acceptance of the scholarship and submit it to the Foundation.

§ 1801.51 Report at the beginning of each term.

The Truman Scholar must submit the following material to the Foundation at the beginning of each term:

(a) A statement of the student's costs for tuition, fees, books, and room and board.

(b) A certification by an authorized official of the institution that the statement of those costs is accurate.

(c) A certification of the amounts of those costs that are paid for by another organization.

(d) A certification by an authorized official of the institution that the Truman Scholar:

(1) Is a full-time student and is taking a course of study, training, or other educational activities to prepare for a career in public service; and

(2) Is not engaged in gainful employment that interferes with the Scholar's studies.

(e) A certification by an authorized official of the institution of whether the Truman Scholar is in academic good standing.

(f) A certification by an authorized official of the institution that the institution makes continuing efforts to encourage the Truman Scholar to enter public service after completing his or her educational program.

§ 1801.52 Definition of "term".

As used in this part, "term" means the period which the institution of higher education uses to divide its academic year: Semester, trimester, or quarter.

§ 1801.53 Payment schedule.

The Foundation will pay the Truman Scholar a portion of the award after each report submitted under § 1801.51.

§ 1801.54 Postponement of payment.

(a) A Truman Scholar may request the Foundation to postpone one or more payments because of sickness or other circumstances.

(b) If the Foundation grants a postponement, it may impose such conditions as it decides are necessary.

Subpart G—Duration of Scholarship

§ 1801.60 Renewal of scholarship.

It is the intent of the Foundation to renew scholarship awards for a period not to exceed a total or four academic years (consisting of the junior year, the senior year, and up to two academic years of graduate study), only in accordance with the regulations established by its Board of Trustees, and subject to an annual review for compliance with the requirements of this part.

§ 1801.61 Termination of scholarship.

(a) The Foundation may terminate a scholarship under the following specific conditions:

(1) If the Truman Scholar does not meet the criteria in § 1801.51(e) for two consecutive terms, or

(2) If the Truman Scholar does not meet the criteria in § 1801.31, § 1801.51 (d) or § 1801.3(e).

(b) Before it terminates a scholarship under these conditions the Foundation gives the student notice and an opportunity to be heard with respect to the grounds for termination.

§ 1801.62 Recovery of scholarship funds.

If a scholarship is terminated or if the student resigns a scholarship, all scholarship funds which have not been spent or which the student may recover must be returned to the Foundation.

[FR Doc.77-36567 Filed 12-21-77;8:45 am]

federal register

THURSDAY, DECEMBER 22, 1977

PART V



SECURITIES AND EXCHANGE COMMISSION

■

ACCOUNTANTS QUALIFICATIONS, INTERPRETATIONS AND GUIDELINES

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5887, 34-14262, 35-20313, IC-10059, AS-234]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart A—Accounting Series Releases; Independence of Accountants

INTERPRETATIONS AND GUIDELINES

AGENCY: Securities and Exchange Commission.

ACTION: Issuance of an interpretative release in the accounting series.

SUMMARY: This release contains current information on interpretations, guidelines and administrative determinations pursuant to rules of the Commission, particularly Rule 2-01 of Regulation S-X, regarding the independence of accountants. Supplementation of prior releases on this subject is required with respect to the large body of new and diverse circumstances that have arisen since the last release was issued in 1972. The release provides current guidance regarding the Commission's policy, rules and administrative determinations pertaining to the independence of accountants who audit and report on financial statements filed with the Commission.

DATE: December 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, 202-755-1773, or Edward R. Cheramy, 202-376-8020, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1773.

The Commission hereby issues Release No. AS-234 (33-5887, 34-14262, 35-20313, IC-10059), Part 211 of Title 17, Chapter II, of the Code of Federal Regulations, as given below.

INDEPENDENCE OF ACCOUNTANTS

Interpretations, guidelines and determinations on independnce pursuant to Rule 2-01 of Regulation S-X (17 CFR 210.2-01).

This Accounting Series Release (ASR) is published to provide current information on interpretations and administrative determinations which have been made under Rule 2-01 of Regulation S-X (17 CFR 210.2-01), Qualifications of accountants, and Commission policy regarding the independence of accountants with respect to audits of financial statements filed or to be filed with the Commission. This release supplements ASR Nos. 47 (11 FR 10930), 81 (23 FR 9777), 112 (33 FR 11901), and 126 (37 FR 14294), issued on this subject in the past, through coverage of diverse new circumstances affecting the independence of accountants.

The administrative determinations published in this release deal principally with circumstances which differ in some respects from the cases in past releases or with situations that were rarely encountered previously in order to illustrate the application of the Commission's policy and interpretations of § 210.2-01 in the widest range of circumstances. Interpretations and policy were most recently discussed in ASR No. 126 issued on July 5, 1972. The determinations herein have been made on a case-by-case basis, and each conclusion is applicable only to the specific facts and circumstances of the particular care.

One of the principal factors which will adversely affect the independence of accountants is, as specified in § 210.2-01 (b) (1), the ownership of any interests in an audit client or its affiliates. Under this rule an accounting firm, all partners, and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit, are precluded from holding any direct or material indirect financial interest in an audit client or any of its affiliates during the period of the audit engagement or at the date of the audit report.

In ASR No. 112 a less strict construction was given of this rule in regard to financial interests of partners of an accounting firm, other than the principal accounting firm, for an international business, engaged to conduct an audit of the financial statements of a nonmaterial division or subsidiary of the international business located in a foreign area where the principal accounts do not practice. With regard to the holding by these partners of securities of the parent or the subsidiary in these situations, ASR No. 112 provides that the other accounting firm would be deemed to be not independent only if such securities are owned by any partners of the firm who are located in the office which conducts the audit or otherwise participates in the engagement.

Although ASR No. 112 speaks only of situations involving United States parent companies and their foreign divisions or subsidiaries, it is equally applicable to situations involving non-U.S. parent companies subject to the jurisdiction of the Commission with divisions or subsidiaries in other foreign countries. The release would also apply to less than 50 percent investees and other types of joint ventures as well as to divisions and subsidiaries.

Subsequent to the issuance of ASR No. 112, § 210.2-01 was amended to emphasize that the specified restrictions on financial interests apply not only to partners, but also to professional employees of an accounting firm in certain circumstances. Inasmuch as ASR No. 112 deals only with the ownership of securities by partners of an accounting firm in specified circumstances questions have been raised regarding whether ASR No. 112 and the circumstances cited therein are also applicable to professional employees. ASR No. 112 does not deal with or affect the restrictions in § 210.2-01 regarding financial interests of professional employees. However, these restrictions, applicable in all situations, are essentially the same as the modified restrictions for partners in the situations discussed in ASR No. 112.

INTERESTS IN NONCLIENT AFFILIATES

Since ASR No. 112 was issued, and with the advent of the use by investor companies of the equity method of accounting for less-than-50 percent investments in investees, questions have been raised regarding whether relaxation of the provisions of § 210.2-01 regarding financial interests might also be appropriate with respect to the independence of accountants in relation to noclient parents, subsidiaries, less-than-50 percent owned investees, or other affiliates of audit clients where the investor company's interests in the investee are not material.

The American Institute of Certified Public Accountants (AICPA) issued Ethics Ruling No. 49 regarding situations where different accounting firms perform the audits of the investor and the investee companies. The ruling specifies, in substance, that if the investor's investment or the annual increase in equity in the investment constitutes more than a few percent of the assets or operations of the investor, the investor's auditors should be independent of the investee and the investee's auditors should be independent of the investor.

In commenting on guidelines developed by accounting firms regarding the percentage limitations specified in the AICPA ruling, the Chief Accountant stated that there would be no objection to application of such guidelines with regard to the restrictions on financial interests by accountants as stated in § 210.201(b), if they provide that the investor's investment in the investee does not exceed 5 percent of the investor's consolidated total assets and the investor's equity in the investee's net increase does not exceed 5 percent of the investor's consolidated net income. In situations of the type to which ASR No. 112 relates, however, the nonmateriality of the segments of a business is determined in accordance with the definition of "significant subsidiary" in § 210.1-02 of Regulation S-X. While no current determinations have been made on specific cases involving the applicability of this materiality test for relaxation of the independence requirements, it would be considered applicable in the situation described in Case No. 37 [1] of ARS No. 81, if a determination were made on such situation currently.

[1] Case No. 37 of ASR No. 81 reads as follows: Registrants A and B each own 50 percent of the outstanding stock of Company C, but are otherwise not related. The accounting firm which audits Registrant A would not be disqualified because of ownership of a small number of shares of stock of Registrant B. However, the accounting firm which audits Company C would not be considered independent if any of its partners had an interest in either Registrant A or B.

FINANCIAL INTERESTS BY FOREIGN ACCOUNTANTS

The proscription of ownership of interests in clients and their affiliates under § 210.2–01 is applicable to all accountants who practice before the Commission. However, it is recognized that the proscription of ownership of direct interests, as well as trust relationships, is not as extensive under the professional codes of ethics of independent accountants in some foreign countries as in the United States. These differences are recognized in the consideration of independence of foreign accountants who examine financial statements filed with the Commission by foreign registrants. Some minor variations from our requirements have been accepted, including one dealt with in ASR No. 112, as described above. Another exception involving trusts holding immaterial interests in clients is illustrated below.

1. An inquiry was received regarding whether the independence of a foreign accounting firm would be adversely affected with respect to the examination of financial statements of a client in the foreign country to be included in a registration of securities if partners of the firm retained trusteeships in trusts which hold securities of the client and its subsidiaries. This is understood to be an accepted practice under the professional rules of ethics for accountants in the foreign country. *Conclusion:* The independence of the accounting firm was not deemed to be adversely affected inasmuch as the securities of the client held by the trusts did not represent a material interest in the client and in view of the fact that appropriate restrictions were placed on the trustee-partners.

2. The partners of a foreign accounting firm act as trustees of several trusts which hold interests in its clients in the foreign country. This is understood to be an accepted practice under the professional rules of ethics for accountants in the foreign country. One of the clients planned to file a registration statement with the Commission. The shares of the client which are held by the trusts of which the partners are trustees constitute an insignificant interest in the client. *Conclusion:* The independence of the accounting firm was not questioned with respect to the audit of the financial statements to be included in the registration statement in view of the insignificance of the trusts' interests in the client and inasmuch as the partners acting as trustees in the trusts were not deemed to hold a material indirect interest in the client.

FAMILY RELATIONSHIPS

The restrictions against holding interests in an audit client by an independent accountant set out in § 210.2–01(b)(1) and against holding official positions and associations with the client, as specified in § 210.2–01(b)(2), are also applicable to relatives of the accountant in varying degrees depending on the closeness of the relationship. Finally relationships in these situations require careful consideration in every case to determine whether independence in fact or the appearance of independence of the accountant may be impaired. Many of these problems were discussed in ASR No. 126. In general, financial interests and business relationships of an accountant's immediate family or other dependent relatives with an audit client would be ascribed to the accountant and would accordingly impair his or his firm's independence with respect to that client.

There would also be a presumption of impairment of independence when other close relatives of the accountant have material financial interests or business relationships or hold important positions with a client. The impairment in these situations relating to other close relatives may be mitigated with respect to the accountant and his firm where there is adequate geographical separation of the accountant from the relative and from the audit engagement to preclude the possibility of contacts and influence that could cause a conclusion that the accountant's or his firm's independence appeared to be impaired. In a geographical area in which two or more cities are located that have closely linked business communities, separation as between cities within the area normally would not be sufficient to mitigate the impairment. Recently, the AICPA published helpful guidelines regarding these types of determinations in Interpretation No. 101–4 of the Rules of Conduct. These guidelines were considered in the following determinations involving family relationships.

3. A large accounting firm employed the son of the president of a very large client as a professional accountant in the local office which performed the continuing audits of financial statements of the client that are filed with the Commission. The son was not a dependent of his parents and did not reside with them. *Conclusion:* This close family relationship between a professional employee of the accounting firm and the president of a client impairs the appearance of independence of the firm with respect to the client. While such impairment may be mitigated in some instances by geographical separation of the related parties, or by removal of the employee from the office performing the audit, it could not be mitigated in this case because of the large size of the client, the prominence of its president, and the relative importance of the auditing fee to the accounting firm.

4. An accounting firm inquired whether its independence would be impaired with respect to the audit of a client's financial statements to be filed with the Commission, if the firm gave summer employment as a professional accountant to the son of the president of the client. The son was a college student who was dependent on his parents and resided with them. *Conclusion:* The appearance of independence of the accounting firm with respect to this client would be impaired by this family relationship if the son of the president of the client were employed by the firm when the son was dependent on his parents and residing with them.

5. An accounting firm which has only one office inquired if its independence would be questioned with respect to a future audit of the financial statements of a bank affiliated with another bank to be included in a filing with the Commission by a holding company controlling the other bank because the assistant controller of the holding company is the brother of a partner in the accounting firm. The assistant controller has no direct relationships with the financial records of the affiliated bank to be audited. *Conclusion:* The appearance of independence of the accounting firm would be impaired in regard to an audit of the bank's financial statements by this close family relationship between a partner of the firm and an important official of the holding company.

6. An accounting firm employed the son of a major stockholder of an audit client at the beginning level for professional accountants. The son is not dependent on the father, they do not live in the same community or have frequent contact, and the audit assignment would be performed by a branch office other than the branch to which the son is assigned. *Conclusion:* The appearance of independence of the accounting firm with respect to the audit of the client's financial statements, which would otherwise be presumed impaired by this father-son relationship, was not considered to be impaired, in view of the geographical separation of the son from the father and from the audit assignment.

7. A partner in an accounting firm who specialized in tax services was the brother-in-law of the treasurer and principal accounting officer of a client company planning to make an initial public offering of its securities. Although the tax partner had no audit responsibilities with regard to the client, he had given tax advice to the client and had reviewed its tax returns. The client and the accounting firm, as well as the residences of the brothers-in-law, were located in the same city. *Conclusion:* The appearance of independence of the accounting firm in regard to the audit of the client's financial statements was impaired by this close family relationship between the partner and the official of the client.

8. A tax partner of an accounting firm was the brother-in-law of the financial vice president and stockholder of a publicly held company which had been a client for many years. The tax partner was only recently admitted to the partnership and was located in the office which conducts the audits of the client. The accounting firm inquired whether the impairment of the appearance of its independence with respect to the client caused by this family relationship could be mitigated by a transfer of this audit assignment to another branch office in an adjacent city. *Conclusion:* The impairment of the appearance of independence would not be mitigated by a transfer of the audit assignment to the branch

office in the adjacent city since the two business communities are so closely linked that there would not in effect be any separation of the partner from his relative or from the audit assignment.

9. A number of situations have been reported where the spouse of a professional staff member of an accounting firm is employed by a client company in a non-executive capacity and makes contributions to an employee savings or profit sharing plan of the company, which makes matching contributions. The total contributions are invested in the company's stock. The plans may be administered by the company or by a trustee or individual employee accounts may be established at a brokerage firm. Dividends are paid on the number of shares allocated to the employee. In some instances the employee may not have immediate access to the allocated shares. *Conclusion:* The independence of the accounting firm was not questioned in these situations, provided that the professional member was not a partnr in the firm and was not connected with the audit of the client and that the shares of stock allocated to the spouse would be disposed of immediately after the spouse received the stock or the right to possess the stock.

RETIRED PARTNERS

Financial interests in or official associations with a client or its affiliates by a retired partner of an accounting firm may affect the independence of the firm as if the partner were not retired, if any circumstances exist indicating that the retired partner in fact retains some influence or participation in the firm or that would give the appearance to an outside party that influence was retained. Any payments to the retired partner of salary or retirement benefits which are related to current revenues would indicate continuing influence in the firm. An appearance of continuing influence in the firm may also be created if the retired partner was closely connected to the professional services rendered to the client before retirement and very shortly after retirement acquires an interest in or becomes associated with the client. A similar situation may exist if the firm continues to maintain connections or benefits for the retired partner, such as free office space and secretarial services or continued listing as an active partner or retention of the name of the retired partner in the firm name. The cases below relate to these types of problems.

10. A two-man partnership was merged into another accounting firm and immediately thereafter one of the two partners retired. Under the retirement agreement the retired partner would render without compensation 10 hours of professional service per month for 3 years to the firm in connection with services that would be performed for the former clients of the merged partnership. He would receive percentages of the receipts from the services performed for the former clients and for new clients referred to the firm by him and of collections of the receivables of the merged partnership. The accounting firm inquired whether its independence would be adversely affected with respect to the audit of the financial statements of a new client with no prior connections with either the merged or present firms in which the retired partner had acquired a stock interest, if the firm waived the requirement for professional services by the retired partner. *Conclusion:* The accounting firm's independence would be adversely affected, because the retired partner was continuing to receive contingent retirement payments through participation in the fees for certain professional services rendered by the firm.

11. A partner officially retired from his partnership in an accounting firm in 1969 and severed all active relationships with the firm in 1971. At the time of his retirement a fixed settlement for the repayment of his capital account and for retirement benefits was negotiated, the payments for which were completed in March 1974. The retired partner became a director of a company in 1973 which proposed, near the end of 1974, to engage the firm to audit its financial statements for the years 1972, 1973 and 1974 to be filed with the Commission. *Conclusion:* The firm's independence would not be adversely affected because the retired partner was a director of the prospective client, inasmuch as he had severed all active association with the firm in 1971 and the payments which were received until March 1974 were based on a fixed settlement negotiated in 1969.

12. A partner who retired from an accounting firm on December 31, 1974 was nominated in February 1975 to be a director of a client for which he had been partner-in-charge of the audits of the financial statements for several years prior to 1974. At the beginning of the engagement to audit the financial statements for 1974, the partner was receiving payments of his capital balance which was to be liquidated in 36 equal monthly installments. He was also to receive annual retirement payments, the total amount of which had been determined at the date of retirement. *Conclusion:* The appearance of independence of the firm would be impaired with respect to the audit of the client's financial statements for 1974 if the retired partner became a director in February 1975, because of his prior close association with the audits for the client and his very recent retirement from the firm.

13. An accountant, who stated that he was a retired partner of a small firm which bears his name, inquired whether the firm could be considered independent with respect to the audit of financial statements to be included in a filing with the Commission by a client in which the accountant holds a financial interest. The accountant was receiving a small salary from the firm and a small participation in its professional fees, which were said to be in lieu of retirement payments. *Conclusion:* The accounting firm's independence would be adversely affected, inasmuch as the accountant was deemed to continue to be a partner in the firm by virtue of the salary and participations he continued to receive. Even if he gave up the salary and participations or they were converted to a lump-sum settlement, there would still be a lack of appearance of independence for the firm because of the fact that it bears the accountant's name.

14. An accounting firm inquired whether its independence would be adversely affected with respect to a client who has a retired partner on its Board of Directors and on the committee which selected this firm as the auditors. The retired partner utilizes office space and telephone service of the firm and continues to be listed as a partner in the office directory. *Conclusion:* All connections and associations, including the office amenities, between the retired partner and the firm would have to be severed in order for the accounting firm to be considered independent of this client.

BUSINESS RELATIONSHIPS WITH A CLIENT

The adverse effects of direct or indirect business relationships with clients on accountants' independence were discussed in ASR No. 126. Numerous situations were cited in which accounting firms' independence was deemed to be adversely affected as a result of business relationships which were maintained directly between a firm and a client or indirectly through firm members' interests in businesses which have such relations with a client. Additional cases involving different factual circumstances are given here.

15. A computer firm is engaged exclusively in computer-processing income tax return data for professional tax return preparers, including various local offices of many national accounting firms. When the computer company was contemplating making a public offering of its stock, an inquiry was made regarding whether an accounting firm which utilized this computer service could be deemed independent with respect to the audits of the financial statements of the computer firm required for the purpose of the public offering. *Conclusion:* An accounting firm's independence would be adversely affected if billings for this service from the computer firm to the accounting firm or to the local office which would perform the audit were significant to the accounting firm, its local office, or to the computer firm. Since these computer services are a direct part of the professional tax service rendered by the accounting firm, any material amount of such computer services would create a mutuality of interests that would impair the appearance of objectivity of the accounting firm necessary for the performance of the audit.

16. A partner in an accounting firm acquired, and assigned to his minor daughter, a 10 percent voting interest in a corporation which owned a retail store franchised from a proposed client that also operates similar stores directly.

Conclusion: Independence of the accounting firm would be adversely affected with respect to the audit of the client's financial statements, because the partner is deemed to have a direct interest in a company over which the client may exercise control through the franchise agreement for operation of the retail store. In addition, the company has a close identity in fact and appearance with the client through the operation of similiar retail stores.

17. Five partners of an accounting firm owned 10 percent of the voting interests in a small business investment company which planned to participate with another small business investment company in a loan to a client of the accounting firm. In conjunction with the loan the lending companies would receive warrants for 5 percent of the common stock of the audit client. *Conclusion:* Independence of the accounting firm would be adversely affected with respect to the audit of the client's financial statements if the partners retained their interests in the small business investment company, which would have a creditor relationship with the client and a right to acquire an equity interest as a result of the loan.

18. An accounting firm inquired whether its independence would be adversely affected with respect to a client if the controlling share holder became a limited partner in a partnership which is controlled by partners of the accounting firm in their capacity as general partner. *Conclusion:* The accounting firm's independence would be questioned in these circumstances inasmuch as the joint business venture would impair the appearance of independence of the accounting firm.

19. A partner in a foreign accounting firm that performed the audit of financial statements of a client in the foreign country which was a subsidiary of a company registered with the Commission also owned an industrial equipment company from which the client had ordered an expensive piece of equipment. A large deposit on the purchase commitment was held by the partner's company during the audit engagement. Engaging in commercial transactions with a client does not conflict with the professional standards for independence of accountants in the foreign country. *Conclusion:* The accounting firm's independence is adversely affected inasmuch as the partner's commercial company was dependent on the client for a profit on the commercial transaction and was in a debtor position in relation to the client as a result of the large deposit. These factors created a question regarding the objectivity of the firm in conducting the audit.

Accounting Services Rendered to a Client

It is the Commission's position that an accounting firm cannot be deemed independent with regard to auditing financial statements of a client if it has participated closely, either manually or through its computer services, in maintenance of the basic accounting records and preparation of the financial statements, or if the firm performs other accounting services through which it participates with management in operational decisions.

A major value of an audit of financial statements by an independent accountant is derived from the fact that the accounting records and financial statements of management are reviewed and examined from an independent or outside viewpoint by knowledgeable professional accountants who are not connected with management. The application of an independent viewpoint is particularly important with respect to judgments exercised in the determination of appropriate principles and methods applicable to the recording, classification and presentation of financial data. By their nature such judgments cannot subsequently be evaluated on an impartial and objective basis by the same accountant who made them.

In ASR No. 126 an example was given (Example No. 8) in which independence with regard to audit work to be performed was not questioned where certain accounting services had been performed in earlier years because the accounting services had been discontinued and the services, which were mechanical in nature, did not involve the exercise of judgment or the making of decisions by the accountants. A similar decision is not possible if the accounting services are more than routine or mechanical in nature, even though they may have been discontinued prior to the start of the audit.

20. An accounting firm's computer processes much of the basic accounting source data of a client and produces almost all of the basic accounting records and the financial statements as well. This process required the exercise of judgment by the firm regarding the recording, classification and presentation of the data. The firm inquired whether it could be deemed independent with respect to the audit of the first two of three years' financial statements required in a registration statement to be filed with the Commission if the client engaged another accounting firm to conduct the audit of the financial statements for the most recent year. The firm cited Case 8 in ASR No. 126 as a pertinent precedent for a favorable ruling in this situation. *Conclusion:* The accounting firm's independence would be adversely affected with respect to the audit of the financial statements for any year in which it rendered the computer services. Inasmuch as these services required the exercise of judgment by the accounting firm to produce the basic accounting records and financial statements, the impairment of independence cannot be mitigated as it was in Case 8 where the computer services were largely mechanical and the processing was subject to control by the client.

21. An accounting firm inquired in early 1975 whether its independence would be questioned with respect to the ongoing audit of a client's annual financial statements for 1972, 1973 and 1974 which were required in a report to be filed with the Commission, because of the fact that significant accounting services had been performed for the client prior to December 31, 1973 by present members of the firm who at the time of performing the services were associated with another accounting firm which was merged into the subject firm in 1974. *Conclusion:* Inasmuch as the accounting services to the client had been discontinued for more than a year prior to the end of the latest year under audit and the accounting firm gave assurance that no personnel from the predecessor firm would be associated with the audit engagement, no question was raised regarding the independence of the accounting firm.

22. An accounting firm provided detailed guidance to personnel of a small client for the daily maintenance of the accounting records, reviewed and corrected such records periodically, and prepared the financial statements, which the client stated were the full responsibility of the accounting firm. *Conclusion:* The accounting firm was considered not independent with respect to the audit of such financial statements to be filed with the Commission, because it was effectively maintaining the accounting system of the client and had assumed full responsibility for the financial statements which it prepared. It cannot objectively review and evaluate its own work.

23. An accounting firm audited the brokerage operations of a financial concern and planned to perform what it considered to be consultative or advisory work for another branch of the business which marketed an estate planning service. This additional work would consist chiefly of developing individual estate planning packages for customers and making recommendations jointly with management to the customers. *Conclusion:* The accounting firm's independence would be adversely affected with respect to the audit of the brokerage operations if it performed the additional services for another branch of the business, because it would be participating with management in the development and the sale of a product to be marketed by the company.

Unpaid Prior Professional Fees

In ASR No. 126 it was indicated that if fees for audit and other professional services are owed to an accountant for an extended period of time and become material in relation to the fee expected to be charged for a current audit there may be a question concerning the accountant's independence with regard to the current audit because the accountant may appear to have a direct interest in the results of operations of the client. It was also indicated that normally prior year audit fees should be paid before a current audit engagement is commenced in order for the accountant to be deemed independent with respect to the current audit. The prior year fees for all other professional services normally should be paid also for this determination to be made.

When this problem exists in connection with the required audits of financial statements to be included in annual reports filed with the Commission that position has been modified somewhat. In general a question would not be raised in such situations if, at the time the current audit engagement is commenced, a firm commitment is made by the client to pay the prior year fee before the audit report is issued, or an arrangement is agreed upon for periodic payments to settle the delinquent fee and there is reasonable assurance that the current audit fee can be paid on a timely basis. Determinations on unpaid prior fee problems are illustrated in the following cases.

24. When an accounting firm was engaged to perform an audit of the financial statements of a client to be included in the annual report to the Commission, the fee for the prior year audit remained unsettled. As a condition for accepting the current engagement the accounting firm specified that the prior fee must be paid in full prior to the issuance of the audit report. *Conclusion:* The accounting firm's independence with respect to the current audit was not questioned because of the unpaid prior year fee at the start of the engagement, in view of the requirement for the fee to be paid as a condition for issuance of the audit report.

25. An accounting firm had performed the 1973 annual audit of the financial statements of a parent company, a partially-owned insurance subsidiary and certain wholly-owned subsidiaries. When the accounting firm was engaged to perform the 1974 audit of the insurance subsidiary, the 1973 audit fees for the parent and the other subsidiaries had not been settled because those entities were experiencing financial difficulties. As a means of resolving the financial difficulties, the parent had agreed to divestiture of its interest in the insurance subsidiary. The accounting firm requested an opinion regarding its independence with respect to the audit of the insurance subsidiary's 1974 financial statements to be filed with the Commission. *Conclusion:* The accounting firm's independence was not questioned with respect to the 1974 annual audit of the financial statements of the insurance subsidiary, inasmuch as no prior audit fees for that subsidiary were outstanding at time of the engagement, the subsidiary had a favorable profit record and is precluded from involvement in the financial difficulties of the parent by the state insurance regulatory authority, and the subsidiary would soon cease to be related to the parent and the other subsidiaries.

26. When an accounting firm was auditing a company's December 31, 1973 consolidated balance sheet to be included in a proxy statement to be used in soliciting stockholders' consent to a Consolidated Plan of Arrangement under Chapter XI of the Bankruptcy Act, it was engaged to audit certain financial statements for an interim period ending July 31, 1974, which were also to be included in the proxy statement. The letter of engagement for the 1973 audit was signed by the Debtor in Possession and provided for compensation at normal hourly rates plus expenses in accordance with usual professional practice. Because of changes in the Rules of Bankruptcy Procedure, compensation for the 1974 interim period audit work would be determined by the court, giving due consideration to the nature, extent and value of the services rendered. An opinion was requested regarding whether the fact that the 1973 audit fees, which were material, were unpaid at the start of the 1974 interim period audit would impair independence, and whether the compensation for the 1974 interim audit, determined as specified by the Rules of Bankruptcy Procedure, would be construed as a contingent fee and thus impair independence. *Conclusion:* Independence would not be deemed to be impaired in either of these circumstances, inasmuch as (1) the unpaid fees for the first audit would be outstanding a relatively short time at the start of the second audit and the Debtor in Possession and the court would be responsible for settling both audit fees; and (2) the compensation for the second audit determined by the court in accordance with the Rules of Bankruptcy Procedure would not be deemed a contingent fee.

27. When an accounting firm was engaged to perform an audit of financial statements to be included in a client's annual report to the Commission, a substantial portion of the prior year fees for audit and other professional services was unpaid. The client gave the firm promissory notes which provided for full payment of the unpaid balance of the fee within one year in equal monthly installments, and two principal stockholders of the client gave oral assurance of payment if the client failed to pay the debt. *Conclusion:* The accounting firm's independence with respect to the current audit was not questioned because a substantial portion of the prior year fees was unpaid at the beginning of the current engagement, inasmuch as the arrangement agreed upon for payments provides reasonable assurance that the unpaid balance will be paid in full in one year in equal monthly installments.

28. When an accounting firm was engaged to perform an audit of financial statements to be included in a client's annual report to the Commission, the prior year fees for the annual audit and other audit services had not been paid. The client agreed to pay two-thirds of the amount due before issuance of the current audit report and gave the firm a promissory note for the balance to be paid in ten equal weekly installments starting at the approximate date of the audit report. *Conclusion:* The accounting firm's independence was not questioned with respect to the current audit, inasmuch as two-thirds of the prior year fee would be paid before the audit report was issued and there was reasonable assurance that the balance of the fee would be paid within three months thereafter.

Litigation Involving Accountants and Their Clients

In recent years litigation involving accountants and their clients has increased and related problems involving questions of independence of accountants have also increased. These questions have been resolved on a case-by-case basis and in this process some general guidelines and interpretations have evolved which are applied in the consideration of individual cases.[2] The policy, general guidelines and interpretations followed by the Chief Accountant in making determinations in specific litigation situations and illustrations of their application are set forth below.

When an adversary position between a client and its accountant with respect to the audit services rendered or to be rendered is created as a result of litigation the accountant cannot be considered impartial or capable of exercising objective judgments in the performance of the audit work and could not be deemed to meet the Commission's requirements for independence. Other situations involving litigation or the possibility of litigation require careful consideration by the accountant to determine whether an adversary position is created which impairs his independence with respect to the audit work performed or to be performed.

In general, litigation would impair independence whenever it might be expected to alter substantially the normal relationship between client and public accountant. Such a relationship must be characterized by complete candor and full communication between client and auditor regarding all aspects of the client's business operations. In addition, the relationship must be marked by an absence of bias on the part of the auditor so that he may be in a position to exercise detached professional judgment on financial reporting decisions made by his client.

When the management of a client commences or threatens to commence legal action against a public accountant, or the accountant commences litigation against the client, in connection with audit work performed in serving that client, it is presumed that the auditor and the client management are placed in an adversary situation in which normal audit communication will be affected by legal considerations or behavioral re-

[2] Because of the increasing amount and complexity of the litigation claims and settlements, the Commission concluded that guidelines were needed regarding the effect of litigation on the independence of accountants with respect to the examination of financial statements filed or to be filed with the Commission by a registrant which is connected directly or indirectly to the litigation. Accordingly, the Commission issued a release (Release Nos. 33-5888, 34-14263, 35-20314, IC-10060 (42 FR 64311)), concurrently with this release, proposing an amendment to Rule 2-01 of Regulation S-X to provide such guidelines in the rule.

actions related to the lawsuit. Accordingly, the existence or expressed threat of such litigation would adversely affect the independence of the accountant.

Even the likelihood of litigation may have such an effect if the auditor concludes that there is a strong probability that a suit will be brought. In such cases both parties may be taking actions primarily designed to protect their legal positions and which will prejudice effective communication between them.

Where an auditor is sued by a stockholder acting individually or on behalf of a class of stockholders, the situation may be different. Such an action would not necessarily affect independence, if the relationship between the auditor and the officers and directors is not affected. All the circumstances must be examined, however, both with respect to the complaint and the answer made by the charged parties. If officers and directors are sued at the same time as the auditors, for example, and it becomes apparent that one such defendant is likely to assert that any alledged deficiencies were those of the auditor, the fundamental relationship between auditor and client would be changed. Similarly, if an auditor defends himself in such a suit by asserting management deceit or fraud, the same result would ensue.

Third party suits against public accountants must be similarly analyzed. In most cases, a suit by a third party would not alter fundamental relationships between auditor and client and hence would not have an unfavorable impact on independence. The facts alleged in complaints, however, and the responses to such allegations by all charged parties must be considered.

Finally, independence could also be adversely affected by litigation in situations where management and auditor are bound so closely together that the appearance of independence might be impaired. For example, in one recent situation, management and auditors were charged with agreeing together to withhold certain information from stockholders and from the staff of the Commission. Under such circumstances, it is doubtful whether auditors could be considered independent since they have a commonality of legal interest with the client. Similarly, in a case where conspiracy between auditor and client is charged, further inquiry would be needed into the problems of appearance. The naming of auditors and client as codefendants in a civil suit would not in and of itself have this effect, however.

The staff has also been asked whether, once conditions giving rise to a lack of independence are eliminated, it is possible for the independent auditor to report on a client's financial statements that cover a period during which litigation was taking place. While the facts of the particular circumstances must always govern, in general it appears that a report can be independently rendered for such a period as long as no audit field work was done while the circumstances which would have prejudiced independence existed. In addition, if an accountant was independent when his report was initially rendered, he may generally re-sign this report or consent to its use at a later date while his independence is impaired, as long as no post-audit work is performed during the period when he is not independent. The term "post-audit work," in this context, does not include inquiries of subsequent auditors, reading of subsequent financial statements, or such procedures as may be necessary to assess the effect of subsequently discovered facts on the financial statements covered by the previously issued report.

The following cases are illustrative of the problems in these situations.

29. An accounting firm and its client were named as co-defendants in litigation by a third party which alleged that the audited financial statements of the client were incorrect and misleading. The accounting firm filed a cross-claim suit against the client. *Conclusion:* Inasmuch as a direct adversary relationship that would preclude complete candor between the accounting firm and its client was created by the filing of the cross-claim suit, the accounting firm would not be deemed independent with respect to audits of the client's financial statements to be filed with the Commission while the suit is pending.

30. After an accounting firm issued an audit report on the financial statements of a client, the client considered legal action against the firm, either directly or through subrogation of a claim to its bonding company, because the client believed that the firm should have detected a significant defalcation which had occurred. *Conclusion:* When there is litigation by a client pending against an auditor (or litigation is being considered) relating to the audit services performed by the auditor for the client, an adversary relationship is created which would impair the appearance of independence of the auditor with regard to any work performed while the litigation is pending or being considered, whether the claim is asserted directly by the client or by the bonding company.

31. During the annual audit of the financial statements of a client, an accounting firm became aware that the Internal Revenue Service had disallowed substantial losses claimed in the tax returns of the Chairman of the Board and substantial shareholder of the client that had been prepared by the accounting firm. It was expected that substantial damages would be assessed against the Chairman. The accounting firm received assurance from the Chairman that, based on the facts known at the time, the accounting firm would not be named as a defendant in any litigation regarding the damages. Prior to completing the audit the firm requested an opinion regarding its independence in light of these circumstances. *Conclusion:* The firm's independence was not deemed to be adversely affected with respect to the audit because no adversary relationship existed during the period of the audit, and the Chairman of the Board had given assurance that no claim against the accounting firm was contemplated at that time.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 13, 1977.

APPENDIX—PRINCIPAL REFERENCES CONCERNING THE PRACTICE OF ACCOUNTANTS BEFORE THE COMMISSION

OPINIONS AND ORDERS OF THE COMMISSION

Cornucopia Gold Mines, 1 S.E.C. (1936).
American Terminals and Transit Company, 1 S.E.C. 701 (1936).
National Boston Montana Mines Corp., 2 S.E.C. 226 (1937).
Rickard Ramore Gold Mines, Ltd., 2 S.E.C. 377 (1937).
Metropolitan Personal Loan Co., 2 S.E.C. 803 (1937).
Interstate Hosiery Mills, Inc., 4 S.E.C. 803 (1939).
A. Hollander & Son, Inc., 8 S.E.C. 586 (1941).
Abraham H. Puder and Puder and Puder, Securities Exchange Act of 1934 Release No. 3073 (1941).
Southeastern Industrial Loan Co., 10 S.E.C. 617 (1941).
Kenneth N. Logan, 10 S.E.C. 982 (1942) (Accounting Series Release No. 28).
Associated Gas and Electric Co., 11 S.E.C. 975 (1942).
C. Cecil Bryant, 15 S.E.C. 400 (1944) (Accounting Series Release No. 48).
Red Bank Oil Co., 21 S.E.C. 695 (1946).
Drayer-Hanson, Inc., 27 S.E.C. 838 (1948).
Cristina Copper Mines, Inc., 33 S.E.C. 397 (1952).
Coastal Finance Corp., 37 S.E.C. 699 (1957).
Sports Arenas (Delaware) Inc., 39 S.E.C. 463 (1959).
American Finance Co., 40 S.E.C. 1043 (1962).
Advanced Research Associates, Inc., 41 S.E.C. 579 (1963).
South Bay Industries, Inc., Securities Act of 1933 Release No. 4702 (1964).
Idaho Acceptance Corp., Securities Exchange Act of 1934 Release No. 7383 (1964).
Dixie Land and Timber Corp., Securities Act of 1933 Release No. 4841 (1966) (For details see initial decision of Hearings Examiner, Administrative Proceeding File No. 3-215).

ACCOUNTING SERIES RELEASES

No. 2 (1937) Independence of accountants—Relationship to registrant.
No. 19 (1940) McKesson & Robbins, Inc.
No. 22 (1941) Independence of accountants—Indemnification by registrant.
No. 28 (1942) Kenneth N. Logan, 10 S.E.C. 982.
No. 47 (1944) Independence of certifying accountants—Summary of past releases of the Commission and a compilation of hitherto unpublished cases or inquiries.
No. 48 (1944) C. Cecil Bryant, 15 S.E.C. 400.
No. 51 (1945) Disposition of Rule II(e) proceedings against certifying accountant.
No. 59 (1947) Williams and Kingsolver.
No. 64 (1948) Drayer-Hanson, Inc., 27 S.E.C. 838.
No. 67 (1949) Barrow, Wade, Guthrie & Co., Henry H. Dalton and Everett L. Mangam.
No. 68 (1949) F. G. Masquelette & Co., and J. E. Cassel.
No. 73 (1952) Haskins & Sells and Andrew Stewart.
No. 77 (1954) Disposition of Rule II(e) proceedings against certifying accountant.
No. 78 (1957) Touche, Niven, Bailey & Smart, et al., 37 S.E.C. 629.

No. 81 (1958) Independence of certifying accountants—Compilation of representative administrative rulings in cases involving the independence of accountants.
No. 82 (1959) Bollt and Shapiro 38 S.E.C. 815.
No. 88 (1961) Myron Swartz, 41 S.E.C. 53.
No. 91 (1962) Arthur Levison and Levison and Co., 41 S.E.C. 150.
No. 92 (1962) Morton I. Myers, 41 S.E.C. 156.
No. 97 (1963) Harmon R. Stone.
No. 105 (1966) Homer E. Kerlin.
No. 108 (1967) Nicholas J. Raftery (Misspelled in release).
No. 110 (1968) Meyer Weiner.
No. 112 (1968) Independence of accountants, examining a nonmaterial segment of an international business.
No. 126 (1972) Independence of accountants—Guidelines and examples of situations involving the independence of accountants.
No. 127 (1972) Martin L. Sanchez.
No. 129 (1972) Barry L. Kessler.
No. 131 (1972) Robert Trivison.
No. 139 (1973) Ralph Duckworth.
No. 143 (1973) Robert Lynn Burroughs.
No. 144 (1973) Laventhol Krekstein, Horwath & Horwath.
No. 153 (1974) Touche Ross & Co.
No. 157 (1974) Arthur Andersen & Co.
No. 158 (1974) Adolph F. Spear.
No. 160 (1974) Loux, Gose & Co., Galen Lloyd Gose.
No. 161 (1974) Jerry A. McFarland.
No. 167 (1974) Westheimer, Fine, Berger & Co.
No. 168 (1975) Benjamin Botwinick & Co. and Alvin I. Mindes.
No. 170 (1975) Tubber T. Okuda.
No. 173 (1975) Peat, Marwick, Mitchell & Co.
No. 173A (1977) (Amendment of No. 173).
No. 174 (1975) Harris, Kerr, Forster & Co.
No. 176 (1975) Hertz, Herson & Co.
No. 179A (1975) Thomas R. Mathews (Superseded No. 179).
No. 182 (1975) Charles H. Southerland.
No. 186 (1975) Robert L. Ingis.
No. 187 (1975) Bill D. Steele.
No. 191 (1976) Rudolph, Palitz & Co. and Harvey B. Spiegel.
No. 192 (1976) Archie S. Barnhill.
No. 196 (1976) Seidman & Seidman.
No. 196A (1976) (Amendment of No. 196).
No. 198 (1976) Leigh A. Verly.
No. 199 (1976) George E. Weaver.
No. 200 (1976) Richard Sommer.
No. 201 (1976) Paul D. Klinger.
No. 202 (1976) Phillip Shelby Merkatz.
No. 204 (1977) E. Veon Scott.
No. 205 (1977) Robert N. Campbell.
No. 207 (1977) Joseph Scansaroli.
No. 208 (1977) Bernard C. Zipern.
No. 209 (1977) S. D. Leidesdorf & Co., Kenneth Larson and Joseph Grendy.
No. 212 (1977) Eugene Testa and W. A. Stebbins.
No. 213 (1977) Maurice Rosen.
No. 214 (1977) Marvin F. Rosenburn.
No. 215 (1977) Phillip J. Wolfson.
No. 216 (1977) John W. Hosford.
No. 217 (1977) Wilbert S. Fox.
No. 221 (1977) C. Wayne Litchfield.
No. 222 (1977) Ernest C. Newman.
No. 223 (1977) Thomas Leger & Co.
No. 224 (1977) Allen M. Lindenberg.
No. 227 (1977) Laventhol & Horwath, Louis Goldfine, Jeffrey Lipschutz, Jack E. Klein.

CHANGES IN THE INDEPENDENCE RULE

Article 14, Rules and Regulations under the Securities Act of 1933,[1] Federal Trade Commission, July 6, 1933.
Article 41, Rules, Regulations and Opinions under the Securities Act of 1933 as Amended, April 29, 1935.
Rule 650, General Rules and Regulations under the Securities Act of 1933, January 21, 1936.
Rule 2-01, Regulation S-X, Adopted February 21, 1940, Accounting Series Release No. 12.
Amendments of Rule 2-01: Accounting Series Release No. 37, November 7, 1942; Accounting Series Release No. 44, May 24, 1943; Accounting Series Release No. 70, December 20, 1950; Accounting Series Release No. 79, April 8, 1958; Accounting Series Release No. 125, June 23, 1972.

---

[1] The Securities and Exchange Commission was established under provisions of the Securities Exchange Act of 1934 and was authorized to continue in effect until modified all rules and regulations issued by the Federal Trade Commission under the Securities Act of 1933.

[FR Doc.77-36413 Filed 12-21-77;8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release No. 33-5888, 34-14263, 35-20314, IC-10060] [S 7-733]

QUALIFICATIONS OF ACCOUNTANTS

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend its rules pertaining to the independence of accountants in order to establish definitive guidelines regarding the impact of situations involving litigation on the independence of public accountants with respect to their examination of financial statements filed or to be filed with the Commission. The need for these guidelines is indicated by an increase in recent years in the volume and complexity of litigation involving accountants. The improved guidelines will aid accountants in assessing their status with respect to independence in these situations.

DATE: Comments on or before January 31, 1978.

ADDRESS: Comments 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 (File No. S7-733).

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, 202-755-1773 or Edward R. Cheramy 202-376-8020, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission's rules pertaining to the independence of accountants in regard to examinations of registrants' financial statements filed with it are contained in Rule 2-01 (Qualifications of accountants) of Regulation S-X (17 CFR Part 210). Paragraph (b) of that rule deals specifically with the effects on an accountant's independence of financial interests in, and employment relationships with, a client. Paragraph (c) indicates that the Commission will give consideration to all relevant circumstances in making a determination with respect to the independence of an accountant in a particular situation.

These determinations have been made on a case-by-case basis as questions arise. From time to time the Commission issues Accounting Series Releases containing interpretations and general guidelines developed under Rule 2-01 by the Chief Accountant in making determinations of independence, and examples of their application in particular cases are provided. The principal releases of this type previously issued are Accounting Series Release Nos. 47 (11 FR 10930), 81 (23 FR 9777), and 126 (37 FR 14294). None of these releases contain interpretations or guidelines regarding the effect of litigation on the independence of accountants, because litigation involving accountants and their clients was relatively rare prior to 1972 when Accounting Series Release No. 126 was issued.

Since that time litigation involving accountants and their clients has increased and cases considered by the Chief Accountant involving questions of independence of accountants in litigation situations have increased. Some general guidelines and interpretations have evolved that are being applied in the consideration of individual cases. The interpretations and guidelines, and examples of their application, are included in a general interpretative release (Accounting Series Release No. 234) (42 FR 64304) issued concurrently with this release. As indicated in that release, circumstances and factors relating to situations involving litigation which affect determinations regarding independence vary widely in individual cases. However, the Commission has concluded, in the light of the increasing amount and complexity of the litigation claims and settlements, that rules should be developed, to the extent practicable. Such rules are herein proposed for public comment.

PROPOSED AMENDMENTS

Rule 2-01 would be amended to designate specific situations involving litigation which would adversely affect the independence of the public accountant involved in the litigation. These areas of litigation designated in the proposed rule include (1) litigation against a client by the accountant alleging fraud or deceit related to his audit work, (2) litigation or a threat of litigation against the accountant by a client alleging deficiencies in his audit work, and (3) litigation (or a threat of litigation by the client) between the accountant and the client (instituted by either party) which is unrelated to the audit work, unless the amount of the claim is not material in relation to the annual audit fee. In regard to all other situations where actual or threatened litigation involving the accountant is pending during the designated period, including situations where the accountant and the person or its affiliates or other related persons are or may be co-defendants, situations involving the accountant and former directors or officers of the person or its affiliates or other related persons, and situations involving a claim by a third party whose financial statements are also examined by the accountant relating to the audit work performed for the person or its affiliates or other related persons, the Commission will consider whether the particular circumstances of a situation may impair the independence of the accountant.

A technical amendment, not related to the above, is proposed in paragraphs (b), (b)(2) and (c) of Rule 2-01 and included in the new paragraph (b)(3) proposed in this release, to expand the list or group of parties related to the registrant or person cited to include "other related persons," which term is defined in a new paragraph (d) under the rule as persons associated in an investor or investee relationship with the person where the equity method of accounting for the investment is appropriate. Such persons are considered in the same position as subsidiaries or other affiliates in current determinations on independence under the rule.

COMMISSION ACTION

The Commission hereby proposes to amend § 210.2-01 of 17 CFR Part 210 by revising paragraphs (b), (b)(2) and (c), and adding new paragraphs (b)(3) and (d), as included below.

§ 210.2-01 Qualifications of accountants.

* * * * *

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, other affiliates, or other related persons;

(1) In which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest;

(2) With which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely dissociated himself from the person and its affiliates and other related persons and does not participate in auditing financial statements of the person or its affiliates or other related persons covering any period of his employment by the person; or

(3) With respect to which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, (i) there is pending litigation by the accountant alleging fraud or deceit in relation to the current or any prior audit work performed by the accountant; (ii) there is litigation, or a serious threat of litigation, pending by the person or its affiliates or other related persons against the accountant alleging deficiencies in the current or any prior audit work performed by the accountant; or (iii) there is litigation by the accountant, or actual or seriously threat-

ened litigation against the accountant, pending which is not related to audit work performed by the accountant, unless the amount of the claim is not material to the accountant's fee for the most recent completed annual audit or the estimated fee for the audit in progress.

(c) In determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate or other related person thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

(d) For the purpose of this section the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit, and the term "other related persons" means other persons associated in an investor or investee relationship with the person where the equity method of accounting for the investment is appropriate.

* * * * *

These amendments are proposed to be adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) (15 U.S.C. 78l, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14, and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; and Sections 8, 30, 31(c) and 38(a) (15 U.S.C. 80a-8, 80a-29, 80a-30(c) and 80a-37(a)) of the Investment Company Act of 1940. Pursuant to Section 23(a)(2) of the Exchange Act the Commission has considered the impact of these proposals on competition and is not aware, at this time, of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 13, 1977.

[FR Doc.77-36414 Filed 12-21-77;8:45 am]

federal register

THURSDAY, DECEMBER 22, 1977

PART VI



DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

■

INTERNATIONAL TRANSACTIONS IN ROYALTIES AND FEES WITH UNAFFILIATED RESIDENTS; DIRECT INVESTMENT STUDY

[3510-06]

Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS

PART 803—REPORTS ON INTERNATIONAL TRANSACTIONS IN ROYALTIES AND FEES WITH UNAFFILIATED FOREIGN RESIDENTS

PART 806—DIRECT INVESTMENT SURVEYS

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Final rules.

SUMMARY: This action amends regulations for reports on international transaction in royalties and fees with unaffiliated foreign residents and establishes regulations for direct investment surveys to implement the President's repsonsibilities under the International Investment Survey Act of 1976, as regards studies, analyses, and mandatory surveys of U.S. direct investment abroad and foreign direct investment in the United States. The President's responsibilities concerning direct investment were delegated to the Secretary of Commerce pursuant to Executive Order 11961.

EFFECTIVE DATE: This rule becomes effective December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202-523-0657.

SUPPLEMENTARY INFORMATION: On April 15, 1977, the Department of Commerce published proposed regulations (42 FR 19888) giving notice that the Secretary of Commerce was considering promulgating new and amended regulations concerning U.S. direct investment abroad and foreign direct investment in the United States as a new Part 806; and amending Part 803, to cover only the reporting of International Transactions in Royalties and Fees with Unaffiliated Foreign Residents, but with *no change* made in the current reporting requirements for these latter items.

On October 11, 1976, the President signed the International Investment Survey Act of 1976 (Pub. L. 94-472; 90 Stat. 2059; 22 U.S.C. 3101-3108—hereinafter "the Act") which provides authority for the collection and analysis of data relating to international investment and its effect on the national security, commerce, employment, inflation, general welfare, and foreign policy of the U.S.

In section 3 of Executive Order 11961 of January 19, 1977, the President delegated the authority granted under the Act as concerns direct investment to the Secretary of Commerce, "* * * in the absence of any contrary delegation or direction by the Director * * *" of the Office of Management and Budget, and the Secretary of Commerce has redelegated this authority to the Bureau of Economic Analysis (BEA).

Section 5(a) of the Act authorizes the promulgation of such rules and regulations as may be necessary to carry out the purposes of the Act.

The changes appearing in these final rules reflect comments received from interested parties, including members of the general public.

A. No substantive changes were made to 15 CFR Part 803.

B. The following substantive changes were made to 15 CFR Part 806 (all references are to sections, etc., as contained in these final rules): 1. Part 806.3—Several specific examples of the types of persons who may be required to report are given.

2. Part 806.4—A provision was added to the reporting requirements stating that a response must be made within 30 days when a person contacted claims an exemption or claims there are no investments which require reporting under the regulations.

3. Part 806.7(n)—Adds to the definition of "intermediary," a trust as defined in 806.11(b)(3). The trust defined in 806.11(b)(3) is now a separately defined type of trust.

4. Part 806.11(b)(3)—Specifies how to treat for reporting purposes the beneficial ownership in a U.S. business enterprise in which a foreign person has direct investment but where a voting trust has been established to comply with certain legal regulations.

5. Part 806.14(a)(2)—Changes definition of "U.S. Reporter" to more closely conform to standard accounting terminology concerning consolidation.

6. Part 806.14(e)(1), (2), and (3)—Increases the exemption level from $750,000 to $1,000,000 for each of the three report forms.

7. Part 806.14(f)(1), (2), and (3)—In the "Supplementary Information" section of the notice of proposed rulemaking it was stated that Forms BE-133, BE-133B, and BE-133C, previously voluntary, would be made mandatory, but that the sample of U.S. Reporters would "remain constant for a short period pending development of a method for selecting a new sample of Reporters." It has now been determined that the new requirements—that a U.S. Reporter must file for each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 (as contained in the notice of proposed rulemaking)—will be effective with the next filing of each of these forms. For the BE-133, they will be effective with the report form for 1978 which will be mailed early in 1979. For the BE-133B, they will be effective with the report form mailed in November 1978 on which projected data for 1978 and 1979 will be reported. For the BE-133C, they will be effective with the report form mailed in May 1978 on which final data for 1977 and projected data for 1978 and 1979 will be reported.

8. Part 806.15(e)(6)—The definition of "Majority-owned U.S. affiliate" is dropped.

9. Part 806.15(b)—Changes the consolidation rule for U.S. affiliates of foreign persons to require consolidation except where specifically otherwise required or not normally done and to require written BEA permission not to consolidate affiliates for reporting purposes.

10. Part 806.15(e)(1), (2), and (3)—Increases the exemption level from $2,000,000 to $5,000,000 for each of these report forms.

11. Part 806.15(e)(4)—Drops the requirement for Form BE-609. The information which would have been collected on BE-609 will be collected on the Form BE-605 or BE-606 which a particular U.S. affiliate must file.

12. Part 806.15(f)(1)—Provides for a new annual report form—BE-15, Annual Survey of Foreign Direct Investment in the United States. A notice of proposed rulemaking covering this form will be placed in the FEDERAL REGISTER at a later date.

13. Part 806.15(g)(2)—Provides for a new report Form—BE-13, Questionnaire on Establishment of, or Investment in, a U.S. Business Enterprise. A notice of proposed rulemaking covering this form will be placed in the FEDERAL REGISTER at a later date.

14. Part 806.16—The year of coverage of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad is changed from 1976 to 1977.

15. Part 806.16(a)—This subsection has undergone extensive revision; the major changes are as follows: (a) Institutes a Form BE-10A SUPPLEMENT on which exempt foreign affiliates are to be listed;

(b) Defines an inactive foreign affiliate and provides that it be treated as exempt;

(c) Raises the affiliate exemption level from $250,000 to $500,000;

(d) States more clearly the filing procedures when a given foreign affiliate is jointly owned by two or more U.S. Reporters;

(e) Eliminates the requirement for the filing of multiple Part III's of Form B;

(f) Institutes specialized report forms for banks; and

(g) Changes the due date for filing the BE-10 Reports.

In consideration of the foregoing, Part 803 is amended and Part 806 is added to Title 15, Code of Federal Regulations in final form as set forth below.

PART 803—REPORTS ON INTERNATIONAL TRANSACTIONS IN ROYALTIES AND FEES WITH UNAFFILIATED FOREIGN RESIDENTS

Sec.

803.1 Purpose.
803.2 Who must report.
803.3 Form to be used, frequency of reports, and place of filing.
803.4 Exemptions.
803.5 General definitions.

AUTHORITY: Reports on Form BE-93 are mandatory under Section 8(b) of the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286f). All replies will be held in confidence under the provisions of Section 8(c) of that Act (22 U.S.C. 286f(c)) and Section 4(b) of the Federal Reports Act (44 U.S.C. Section 3509).

§ 803.1 Purpose.

Reports on Form BE–93 are required in order to provide reliable and up-to-date information on international transfers of intangible assets and proprietary rights with unaffiliated foreign residents for use in compiling the U.S. balance of payments.

§ 803.2 Who must report.

United States individuals and firms who have entered into agreements with unaffiliated foreign residents, including governments of foreign countries, to sell or buy outright or provide or be provided with the use of intangible assets or rights such as patents, techniques, processes, formulae, designs, trademarks, copyrights, franchises, manufacturing rights, film rentals, and other similar intangible property or rights shall report on Form BE–93.

NOTE.—Oil royalties and other natural resources (mining) royalties are not reportable on this form.

§ 803.3 Form to be used, frequency of reports, and place of filing.

(a) One Form BE–93 is to be filed annually by each United States person or firm receiving from unaffiliated foreign residents, or paying to unaffiliated foreign residents, royalties, licensing fees, film rentals, etc., arising from the use, purchase, or sale of intangible assets or rights. Reports should be sent to the Department of Commerce, Bureau of Economic Analysis, BE–58, Washington, D.C. 20230 within 90 days after the close of the calendar or fiscal year.

(b) Requests for extension of the filing dates, additional forms, or clarifications of the reporting requirements or instructions should be directed to the same address.

(c) Consolidated reports for each company and its domestic affiliates are preferred. Please list on an attachment names of affiliates whose transactions are consolidated on this form. Also list names of affiliates with reportable transactions not consolidated on this form.

§ 803.4 Exemption.

A U.S. individual or business firm otherwise required to report is exempted if his annual foreign receipts and payments, combined, of the types covered by Form BE–93, are less than $25,000 in the year covered by the report.

§ 803.5 General definitions.

(a) *U.S. resident*—Any person, including corporations, unincorporated business organizations, partnerships, individuals, trusts and estates, under the jurisdiction of the U.S. and ordinarily residing in the U.S., including territories and possessions.

(b) *U.S. subsidiary or affiliate*—For purposes of Form BE–93, any U.S. incorporated enterprise in which more than 50 percent of the voting stock is directly or indirectly held by another U.S. company.

(c) *Unaffiliated foreign resident, means:* (1) With reference to ownership by a U.S. resident in a foreign business enterprise, any enterprise in which the U.S. resident holds less than 10 percent, directly or indirectly of the voting stock if an incorporated foreign enterprise, or an equivalent interest if an unincorporated foreign enterprise; and

(2) With reference to ownership in a U.S. business enterprise by a foreign resident, any enterprise in which the foreign resident holds less than 10 percent, directly or indirectly, of the voting stock if an incorporated U.S. enterprise, or an equivalent interest if an unincorporated U.S. enterprise.

2. It is proposed to add Part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

Sec.

806.1 Purpose.
806.2 Recordkeeping requirements.
806.3 Reporting requirements.
806.4 Response required.
806.5 Confidentiality.
806.6 Penalties.
806.7 General definitions.
806.8 Real Estate.
806.9 Airlines and ship operators.
806.10 Determining place of residence and country of jurisdiction of individuals.
806.11 Estates, trusts, and intermediaries.
806.12 Partnerships.
806.13 Miscellaneous.
806.14 U.S. direct investment abroad.
806.15 Foreign direct investment in the United States.
806.16 Rules and regulations for BE–10, Benchmark Survey of U.S. Direct Investment Abroad.
806.17 Rules and regulations for BE–12, Benchmark Survey of Foreign Direct Investment in the United States.

AUTHORITY: The provisions of this Part 806 are issued under 5 U.S.C. 301, 22 U.S.C. 3101, and Executive Order 11961.

§ 806.1 Purpose.

The purpose of this Part is to set forth the rules and regulations necessary to carry out the data collection program and analyses concerning direct investment as required by, or provided for in, the International Investment Survey Act of 1976 (Pub. L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101 to 3108), hereinafter "the Act". The overall purpose of the Act is to provide comprehensive and reliable information pertaining to international investment, including direct investment, and to do so with a minimum of burden on respondents and with no unnecessary duplication of effort.

§ 806.2 Recordkeeping requirements.

In accordance with section 5(b)(1) of the Act (22 U.S.C. 3104) persons subject to the jurisdiction of the United States shall maintain any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential for carrying out the surveys and studies provided for by the Act.

§ 806.3 Reporting requirements.

In accordance with section 5(b)(2) of the Act (22 U.S.C. 3104) persons subject to the jurisdiction of the United States shall furnish, under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act.

Such reports may be required from, among others, U.S. persons which have direct investment abroad, U.S. persons in which foreign persons have direct investment, U.S. intermediaries, and U.S. persons which assist or intervene in the purchase or sale of direct investment interests, such as real estate brokers and brokerage houses acting as managers of tender offers.

§ 806.4 Response required.

Reports, as specified below, are required from all persons coming within the reporting requirements, whether or not they are contacted by BEA. In addition, any person BEA contacts, either by sending them report forms or by written inquiry concerning the person's being subject to the reporting requirements of a survey conducted pursuant to this Part must respond in writing. The response must be made by filing the properly completed report form, or by submitting in writing, within 30 days of being contacted, a valid exemption claim (including the situation where the statistical data requested on the form are not applicable) or by certifying in writing to the fact that the person has no direct investments within the purview of the Act or the regulations contained herein. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act.

§ 806.5 Confidentiality.

Information collected pursuant to § 806.3 is confidential (see section 5(c) of the Act, 22 U.S.C. 3104).

(a) Access to this information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act.

(b) Subject to § 806.5(d), the President may authorize the exchange of information between agencies or officials designated to perform functions under the Act.

(c) Nothing in this Part shall be construed to require any Federal Agency to disclose information otherwise protected by law.

(d) This information shall be used solely for analytical or statistical purposes or for a proceeding under § 806.6.

(e) No official or employee (including consultants and contractors and their employees) shall publish or make available to any other person any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified.

(f) Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by any person without the prior written permission of the person filing the report and the customer of such person where the information supplied is identifiable as being derived from the records of such customer.

§ 806.6 Penalties.

(a) Whoever fails to furnish any information required by the Act or required by § 806.3 or to comply with any other rule, regulation, order or instruction promulgated under the Act may be subject to a civil penalty not exceeding $10,000 in a proceeding brought in an appropriate United States court and to injunctive relief commanding such person to comply, or both (see section 6 (a) and (b) of the Act, 22 U.S.C. 3105).

(b) Whoever willfully fails to submit any information required by the Act or required by § 806.3 or willfully violates any other rule, regulation, order or instruction promulgated under the Act, upon conviction, shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both (see section 6(c) of the Act 22 U.S.C. 3105).

(c) Any person who willfully violates § 806.5 relating to confidentiality, shall, upon conviction, be fined not more than $10,000, in addition to any other penalty imposed by law (see section 5(d) of the Act, 22 U.S.C. 3104).

§ 806.7 General definitions.

(a) "United States," when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and all territories and possessions of the United States.

(b) "Foreign", when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States;

(c) "Person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government sponsored agency);

(d) "United States person" means any person resident in the United States or subject to the jurisdiction of the United States;

(e) "Foreign person" means any person resident outside the United States or subject to the jurisdiction of a country other than the United States;

(f) "Business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate;

(g) "Parent" means a person of one country who, directly or indirectly, owns or controls 10 per centum or more of the voting stock of an incorporated business enterprise, or an equivalent ownership interest in an unincorporated business enterprise, which is located outside that country;

(h) "Affiliate" means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch;

(i) "International investment" means (1) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by foreign persons of any interest in property in the United States, or of stock, other securities, or short- and long-term debt obligations of a United States person, and (2) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by United States persons of any interest in property outside the United States, or of stock, other securities, or short- and long-term debt obligations of a foreign person;

(j) "Direct investment" means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise;

(k) "Portfolio investment" means any international investment which is not direct investment;

(l) "Associated group" means two or more persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. Each of the following are deemed to be an associated group:

(1) Members of the same family,

(2) A business enterprise and one or more of its officers and directors,

(3) Members of a syndicate or joint venture, or

(4) A corporation and its domestic subsidiaries;

(m) "Branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity; and

(n) "Intermediary" means an agent, nominee, manager, custodian, trusts as described in § 806.11(b)(2) and (3), or any person acting in a similar capacity.

§ 806.8 Real estate

Real estate held exclusively for personal use and not for profit-making purposes is exempted from being reported. A residence which is leased by an owner who intends to reoccupy it is considered real estate held for personal use. If a business enterprise, otherwise required to report, is in the form of real property not identifiable by name, reports are required to be filed by and in the name of the beneficial owner, or in the name of such beneficial owner by the intermediary of such beneficial owner.

§ 806.9 Airlines and ship operators.

Foreign stations, ticket offices, and terminal and port facilities of U.S. airlines and ship operators; and U.S. stations, ticket offices, and terminal and port facilities of foreign airlines and ship operators; which provide services only to their own operations are exempted from being reported. Reports are required when such affiliates produce significant revenues from services provided to unaffiliated persons.

§ 806.10 Determining place of residence and country of jurisdiction of individuals.

An individual will be considered a resident of, and subject to the jurisdiction of, the country in which physically located, subject to the following qualifications:

(a) Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.

(b) Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in § 806.10(c).

(c) Notwithstanding paragraph (b), if an owner or employee of a business enterprise resides outside the country of location of the enterprise for one year or more for the purpose of furthering the business of the enterprise, and the country of the business enterprise is the country of citizenship of the owner, then such owner or employee shall nevertheless be considered a resident of the country of citizenship provided there is the intent to return within a reasonable period of time.

(d) Individuals and members of their immediate families who are residing outside their country of citizenship as a result of employment by the government of that country—diplomats, consular officials, members of the armed forces, etc.—are considered to be residents of their country of citizenship.

§ 806.11 Estates, trusts, and intermediaries.

(a) An estate, either U.S. or foreign, is a person and therefore may have direct investment, and the estate, not the beneficiary, is considered to be the owner.

(b) A trust, either U.S. or foreign, is a person, but is not a business enterprise. For direct investment purposes, a trust may be considered either an owner or an intermediary depending on whether the trust is revocable or irrevocable and whether the settlor(s), creator(s) and beneficiaries of the trust have control over the activities of the trust.

(1) Where a trust is irrevocable and the creator(s) and the beneficiary(ies) of the trust have no control over the activities of the trust, then the existence of direct investment shall be determined in reference to the trust instrument, and the trust shall be considered to be the owner as concerns any direct investment activity. Such investment shall be reported in the name of the trust and not its creator(s) or beneficiary(ies).

(2) Where a trust is revocable or the creator(s) or beneficiary(ies) of the trust in fact exercise, or may exercise, some control over the activities of the trust, then the existence of direct investment shall be determined in reference to the creator(s) or beneficiary(ies) of the trust and the creator(s) and/or beneficiary(ies) shall be considered to be the owner(s) as concerns any direct investment activity. The trust shall be considered the same as an intermediary and reporting should be as outlined in paragraph (c) of this section.

(3) A U.S. business enterprise in which a foreign person beneficially owns, directly or indirectly, 10 per centum or more of the voting securities if an incorporated business enterprise, or an equivalent interest if an unincorporated business enterprise, but for which a U.S. trust has been created to hold voting control and ownership in order to comply with certain legal regulations, such as Defense Department regulations prohibiting the control by a foreign person of a business enterprise with defense contracts, shall, nevertheless, be considered a U.S. affiliate of the foreign person. This determination is made for the statistical purposes of this Part; it is based only on the foreign person's beneficial ownership of the U.S. business enterprise and does not imply that control over the enterprise is, or can be, exercised by the foreign person. Notwithstanding paragraphs (b) (1) and (2) of this section, the U.S. trust shall be considered the same as an intermediary and reporting shall be as outlined in paragraph (c) (3) of this section.

(c) Intermediary. (1) If a particular U.S. direct investment abroad is held, exercised, administered, or managed by a U.S. intermediary, such intermediary shall be responsible for reporting the required information for, and in the name of, its principal or shall instruct the principal to submit the required information. Upon instructing the principal, the intermediary shall be released from further liability provided it has informed this Bureau of the date such instructions were given and the name and address of the principal, and has supplied the principal with any information in the possession of, or which can be secured by, the intermediary, that is necessary to permit the principal to comple.e the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with the foreign affiliate shall be considered as accounts or transactions of the U.S. beneficial owner with the foreign affiliate.

(2) If a U.S. person holds a foreign affiliate through a foreign intermediary, the U.S. person will be considered to own the foreign affiliate directly and all accounts or transactions of the U.S. person with the intermediary will be considered to be with the foreign affiliate.

(3) If a particular foreign direct investment in the United States is held, exercised, administered, or managed by a U.S. intermediary for the foreign beneficial owner, such intermediary shall be responsible for reporting the required information for, and in the name of, the U.S. affiliate, and shall report on behalf of the U.S. affiliate or shall instruct the U.S. affiliate to submit the required information. Upon so instructing the U.S. affiliate, the intermediary shall be released from further liability provided it has informed this Bureau of the date such instructions were given and the name and address of the U.S. affiliate, and has supplied the U.S. affiliate with any information in the possession of, or which can be secured by, the intermediary that is necessary to permit the U.S. affiliate to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

(4) If a foreign beneficial owner holds a U.S. affiliate through a foreign intermediary, the U.S. affiliate may report the intermediary as its foreign parent but, when requested, must also identify and furnish information concerning the foreign beneficial owner, if known, or if such information can be secured. Accounts or transactions of the U.S. affiliate with the foreign intermediary shall be considered as accounts or transactions of the U.S. affiliate with the foreign beneficial owner.

§ 806.12 Partnerships.

Limited partners do not have voting rights in a partnership and therefore cannot have a direct investment in a partnership; their investment is considered to be portfolio investment. Determination of the existence of direct investment in a partnership shall be based on the country of residence of, and the percentage control exercised by, the general partner(s), although the latter may differ from the financial interest of the general partners.

§ 806.13 Miscellaneous.

(a) *Accounting methods and records.* Generally accepted U.S. accounting principles should be followed. Corporations should generally use the same methods and records that are used to generate reports to stockholders, unless otherwise specified in the reporting instructions for a given report form. Reports for unincorporated persons must be generated on an equivalent basis.

(b) *Annual stockholder's report.* Business enterprises issuing annual reports to stockholders are requested to furnish a copy of their annual reports to this Bureau.

(c) *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. Every question on each form should be answered, except where specifically exempted. When only partial information is available, an appropriate indication should be given.

(d) *Estimates.* If actual figures are not available, estimates should be supplied and labeled as such. When a data item cannot be fully subdivided as required, a total and an estimated breakdown of the total should be supplied.

(e) *Specify.* When "specify" is included in certain data items, the type and dollar amount of the major items included must be given for at least the items mentioned in the line instruction.

(f) *Space on form insufficient.* When space on a form is insufficient to permit a full answer to any item, the required information should be submitted on supplementary sheets, appropriately labeled and referenced to the item number and the form.

(g) *Extensions.* Requests for an extension of a reporting deadline will not normally be granted. However, in hardship cases, written requests for an extension will be considered provided they are received 15 days prior to the date of the report and enumerate substantive reasons necessitating the extension.

(h) *Number of copies.* A single original copy of each report shall be filed with the Bureau of Economic Analysis; this should be the copy with the address label if such a labeled copy has been provided. In addition, each respondent must retain a copy of its report. Both copies are protected by law; see § 806.5.

(i) *Other.* Instructions concerning filing dates, where to send reports, and whom to contact concerning a given report are contained on each form. General inquiries should be directed to the—

U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230.

§ 806.14 U.S. direct investment abroad.

(a) *Specific definitions.* (1) "U.S. direct investment abroad" means the ownership or control, directly or indirectly, by one U.S. person of 10 per centum or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise, including a branch.

(2) "U.S. Reporter" means the U.S. person which has direct investment in a foreign business enterprise, including a branch. (If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise consisting of the U.S. parent corporation which is not owned to the extent of more than 50 per centum of its voting stock by another U.S. corporation and all other domestic corporations in which the parent corporation directly or indirectly owns more than 50 per centum of the outstanding voting stock.

(3) "Foreign affiliate" means an affiliate located outside the United States in which a U.S. person has direct investment.

(4) "Majority-owned foreign affiliate" means a foreign affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeds 50 per centum.

(b) *Foreign affiliate consolidation.* In cases where the recordkeeping system of foreign affiliates makes it im-

possible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following

(1) The affiliates are in the same BEA 3-digit industry as defined in the industry Classifications and Export and Import Trade Classifications Booklet; or

(2) The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated.

Any affiliates consolidated shall thereafter be considered to be one affiliate and should be consolidated in the same manner for all reports required to be filed pursuant to this section.

(c) *Reports required.* The place and time for filing, and specific instructions and definitions relating to, a given report form are given on the form. Reports are required even though a foreign affiliate may have been established, acquired, seized, liquidated, sold, expropriated, or inactivated during the reporting period.

(d) *Exemption levels.* Exemption levels for individual report forms will normally be stated in terms of total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative, although different or special criteria may be specified for a given report form. If any one of the three items exceeds the exemption level and if the statistical data requested in the report are applicable to the entity being reported, then a report must be filed. Since these items may not have to be reported on a given form, a U.S. Reporter claiming exemption from filing a given form must furnish a certification as to the levels of the items on which the exemption is based or must certify that the data requested are not applicable. The exemption-level tests shall be applied as outlined below.

(1) For quarterly report forms, as to the assets test, reports are required beginning with the quarter in which total assets exceed the exemption level; as to the test for sales (revenues) and net income after income taxes, reports are required for each quarter of a year in which the annual amount of these items exceeds or can be expected to exceed, the exemption level. Quarterly reports for a year may be required retroactively when it is determined that the exemption level has been exceeded.

(2) For report forms requesting annual data after the close of the year in question, the test shall be whether any one of the three items exceeded the exemption level during that year.

(3) For the semi-annual plant and equipment expenditures survey, which requests actual data for the past year and/or annual projections for the current and following year, the test will be made for each year as to whether any one of the three items exceeded, or is expected to exceed, the exemption level; data must be reported only for the year or years in which the exemption level is, or is expected to be, exceeded.

If total assets, sales or net income exceed the exemption level in a given year, it is deemed that the exemption level will also be exceeded in the following year.

The number and title of each report form, its exemption level, and other reporting criteria, if any, pertaining to it, are given below.

(e) *Quarterly report forms.* (1) BE-577—Direct Transactions of U.S. Reporter With Foreign Affiliate Incorporated Abroad: One report is required for each foreign affiliate exceeding an exemption level of $1,000,000.

(2) BE-578—Transactions of U.S. Reporter With Unincorporated Foreign Affiliate, Except a Bank: One report is required for each foreign affiliate exceeding an exemption level of $1,000,000.

(3) BE-578B—Transactions of U.S. Reporter With Unincorporated Foreign Banking Affiliate: One report is required for each foreign banking affiliate exceeding an exemption level of $1,000,000.

(f) *Annual report forms.* (1) BE-133—Sources and Applications of Funds of U.S. Direct Investments Abroad: One report is required for each majority-owned foreign affiliate exceeding an exemption level of $8,000,000.

NOTE.—This survey will not be conducted for the year for which a BE-10, Benchmark Survey of U.S. Direct Investment Abroad, is conducted.

(2) BE-133B—Follow-up Schedule of Expenditures for Property, Plant and Equipment of U.S. Direct Investment Abroad: This is a schedule-type report form on which each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 must be listed and the requested data given for each.

(3) BE-133C—Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investment Abroad: This is a schedule-type report form on which each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 must be listed and the requested data given for each.

(4) BE-577S—U.S. Reporter's Directly-Owned Foreign Affiliate's Share in Net Income of Indirectly-Owned Foreign Affiliates: This is a schedule type report form on which each indirectly-owned foreign affiliate exceeding an exemption level of $2,000,000, based only on net income (whether positive or negative), must be listed and the requested data given for each. A further qualification is that reporting is required only if both the directly- and the indirectly-owned foreign affiliates are incorporated.

(g) *Other report forms.* (1) BE-507—Industry Classification Questionnaire: In general, U.S. Reporters and their foreign affiliates will each be assigned a BEA 3-digit industry code in the BE-10 Benchmark Surveys required by the Act to be conducted at least once every five years. However, interim reports on Form BE-507 are required:

(i) For each foreign affiliate newly established or acquired by a U.S. person on or after January 1, 1978; or

(ii) For each U.S. person who becomes a U.S. Reporter on or after January 1, 1978 by virtue of establishing or acquiring a foreign affiliate; or

(iii) For an existing foreign affiliate or U.S. Reporter whose industry classification changes on or after January 1, 1978 so that a previous BE-507 report or the BE-10 report required to be filed for 1978 does not accurately reflect the current industry classification of the entity.

For new U.S. Reporters or foreign affiliates, the BE-507 report must be filed only if one of the other reports must be filed and shall be submitted with the initial filing of the related report. For a change in an existing U.S. Reporter or foreign affiliate which is currently filing one of the other reports, the BE-507 report must be filed whenever it is determined that change from one 3-digit industry classification to another has occurred.

(2) BE-10—Benchmark Survey of U.S. Direct Investment Abroad: Section 4b of the Act (22 U.S.C. 3103) provides that a comprehensive benchmark survey of U.S. direct investment abroad shall be conducted at least once every five years. The survey, referred to as the "BE-10," consists of Form BE-10A for reporting information concerning the U.S. Reporter and Form BE-10B for reporting information concerning each foreign affiliate. Exemption levels, specific requirements for, and the year of coverage of, a given BE-10 Survey may be found in § 806.16.

§ 806.15 Foreign direct investment in the United States.

(a) *Specific definitions.* (1) "Foreign direct investment in the United States" means the ownership or control, directly or indirectly, by one foreign person of 10 per centum or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

(2) "U.S. affiliate" means an affiliate located in the United States in which a foreign person has a direct investment.

(3) "Foreign parent" means the foreign person, or the first person outside the United States in a foreign chain of ownership, which has direct investment in a U.S. business enterprise, including a branch.

(4) "Affiliated foreign group" means (i) the foreign parent, (ii) any foreign person, proceeding up the foreign parent's ownership chain, which owns more than 50 per centum of the person below it up to and including that person which is not owned more than 50 per centum by another foreign person, and (iii) any foreign person, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 per centum by the person above it.

(5) "Foreign affiliate of foreign parent" means, with reference to a given U.S. affiliate, any member of the affiliated foreign group owning the affiliate that is not a foreign parent of the affiliate.

(b) *Consolidated reporting by U.S. affiliates.*—A U.S. affiliate shall file on a

fully consolidated basis, including in the consolidation all other U.S. affiliates in which it directly or indirectly owns more than 50 per centum of the outstanding voting stock, unless the instructions for a given report form specifically provide otherwise. However, separate reports may be filed where a given U.S. affiliate is not normally consolidated due to unrelated operations or lack of control, provided written permission has been requested from and granted by BEA.

(c) *Reports required.* The place and time for filing, and specific instructions and definitions relating to, a given report form, will be given on the form. Reports are required even though a U.S. affiliate may have been established, acquired, liquidated, sold, or inactivated during the reporting period.

(d) *Exemption levels.* Exemption levels for individual report forms will normally be stated in terms of total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative, although different or special criteria may be specified for a given report form. If any one of the three items exceeds the exemption level and if the statistical data requested in the report are applicable to the entity being reported, then a report must be filed. Since these items may not have to be reported on a given form, a person claiming exemption from filing a given report form must furnish a certification as to the levels of the items on which the exemption is based or must certify that the data requested are not applicable. The exemption level tests shall be applied as outlined below.

(1) For quarterly report forms, as to the assets test, reports are required beginning with the quarter in which total assets exceed the exemption level; as to the test for sales (revenues) and net income after income taxes, reports are required for each quarter of a year in which the annual amount of these items exceeds or can be expected to exceed the exemption level. Quarterly reports for a year may be required retroactively when it is determined that the exemption level has been exceeded.

(2) For report forms requesting annual data after the close of the year in question, the test shall be whether any one of the three items exceeded the exemption level during that year. The number and title of each report form, its exemption level and other reporting criteria, if any, pertaining to it, are given below.

If total assets, sales or net income exceed the exemption level in a given year, it is deemed that the exemption level will also be exceeded in the following year.

(e) *Quarterly report forms.* (1) BE–605—Transactions of U.S. Corporation With Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $5,000,000.

(2) BE–606—Transactions of Unincorporated U.S. Business Enterprise (Except a Bank) With Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $5,000,000.

(3) BE–606B—Transactions of U.S. Banking Branch or Agency With Foreign Parent: One report is required for each U.S. banking affiliate exceeding an exemption level of $5,000,000.

(f) *Annual report forms.* (1) BE–15—Annual Survey of Foreign Direct Investment in the U.S.—This form is not required at this time, but a notice of proposed rulemaking concerning it will be inserted in the FEDERAL REGISTER at a later date.

(g) *Other report forms.* (1) BE–607—Industry Classification Questionnaire: In general, a U.S. affiliate will be assigned a BEA 3-digit industry code in the BE–12 Benchmark Surveys required by the Act to be conducted at least once every five years. However, interim reports on Form BE–607 are required:

(i) For each U.S. affiliate newly established or acquired by a foreign person; or

(ii) For an existing U.S. affiliate whose industry classification changes so that either a previous BE–607 report or the last BE–12 report required to be filed does not accurately reflect the current industry classification of the U.S. affiliate.

For new U.S. affiliates, the BE–607 report must be filed only if the affiliate must file one of the other reports and shall be submitted with the initial filing of the related report. For a change in an existing U.S. affiliate which is currently filing one of the other reports, the BE–607 report must be filed whenever it is determined that a change from one BEA 3-digit industry classification to another has accurred.

(2) BE–13—Questionnaire on Establishment of, or Investment in, a U.S. Business Enterprise, Including Real Estate, by a Foreign Person—This report is not required at this time but a notice of proposed rulemaking concerning it will be inserted in the FEDERAL REGISTER at a later date.

(3) BE–12—Benchmark Survey of Foreign Direct Investment in the United States: Section 4b of the Act (22 U.S.C. 3103) provides that a comprehensive benchmark survey of foreign direct investment in the United States shall be conducted at least once every five years. The survey is referred to as the "BE–12". Exemption levels, specific requirements for, and the year of coverage of, a given BE–12 Survey may be found in section 806.17.

§ 806.16 Rules and regulations for BE–10, Benchmark Survey of U.S. Direct investment Abroad—1977.

A BE–10, Benchmark Survey of U.S. Direct Investment Aboard, will be conducted covering calendar year 1977. All legal authorities, provisions, definitions, and requirements contained in §§ 806.1 through 806.13, 806.14 (a), (b), (c), (d), and (g) (2) are applicable to this Survey. Specific additional rules and regulations for the BE–10 Survey concerning who must report and forms required are given below.

(a) *Basic requirement*—A BE–10 report is required from every U.S. person having a foreign affiliate—that is, every U.S. person having direct or indirect ownership or control of a least 10 per centum of the voting stock of an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise—at any time during the year ending December 31, 1977. Reports are required even though the foreign business enterprise may have been established, acquired, seized, liquidated, sold, expropriated, or inactivated during the reporting period.

(b) *Form BE–10A (Report for U.S. Reporter).*

(1) Filing—A completed Form BE–10A is required from each U.S. Reporter (see definition). Exception: When a U.S. business enterprise owns a foreign affiliate and the U.S. business enterprise is owned more than 50 per centum by a U.S. individual, the report should be filed by, and Form BE–10A should be for, the business enterprise rather than the individual. Direct transactions or positions, if any, with the foreign affiliate by the individual must be included in the U.S. business enterprise's report.

(2) Partial exemption when all foreign affiliates are exempt—When the U.S. Reporter has foreign affiliates, but all are exempt from filing Form BE–10B, then only items 1 through 7 of Form BE–10A, and Form BE–10A Supplement, which lists exempt foreign affiliates, must be completed and filed.

(3) Partial exemption based on type of reporter—U.S. Reporters which are religious, charitable, or other nonprofit organizations and individuals who directly own a foreign affiliate, are required to file a Form BE–10A, but are exempt from completing Part II, Financial and Operating Data of U.S. Reporter, of the form.

(c) *Form BE–10B (Report for Foreign Affiliate).* (1) Filing—A U.S. person is required to file one Form BE–10B for each foreign affiliate which is not exempt pursuant to (2) below. (Under those limited conditions where foreign affiliates may be consolidated, the consolidated entity is considered to be one foreign affiliate.) All direct and indirect lines of ownership interest held by a U.S. person in the given foreign business enterprise must be summed to determine whether the enterprise is a foreign affiliate of the U.S. person for purposes of reporting. (A U.S. person's percentage of indirect voting ownership in a given foreign business enterprise is the product of the direct voting ownership percentage of the U.S. person in the first foreign business enterprise in the ownership chain times that first enterprise's direct voting ownership percentage in the second foreign business enterprise times each succeeding direct voting ownership percentage of each other intervening foreign business enterprise in the ownership chain between the U.S. person and the given foreign business enterprise.)

(2) Total exemption and inactive foreign affiliates—A Form BE–10B need not

be filed if the foreign affiliate's total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, are each less than $500,000.00 (positive or negative), and the foreign affiliate does not own another foreign affiliate for which a Form BE–10B must be filed. If the latter condition is not met, then Form BE–10B must be filed for the foreign affiliate holding the equity interest regardless of the value of its assets, sales, or income. That is, all affiliates upward in a chain of ownership must be reported.

Inactive foreign affiliate: A Form BE–10B need not be filed for an affiliate which has no net sales or gross operating revenues excluding sales taxes, has less than $50,000.00 (positive or negative) of net income after income taxes, and for which the change in total assets during the year was less than $50,000.00, even if its total assets exceed $500,000.00. Such inactive foreign affiliates shall be treated as exempt.

(3) Number of Form's BE–10B required—If two or more U.S. Reporters jointly own a foreign affiliate, directly or indirectly, each U.S. Reporter must submit a Form BE–10B for the affiliate. The U.S. Reporter having the highest percentage ownership (direct or indirect combined) in the foreign affiliate must file a Form BE–10B in which all Parts, including either Part IV or Part V as required, have been completed; and the other U.S. Reporter(s) must file a Form BE–10B in which only Part I, items 1 through 35, and Part III, if there is direct ownership or transactions, have been completed. If the percentage of ownership is the same, the U.S. Reporters must decide among themselves which one will submit the complete report.

(4) Foreign affiliate consolidation—In cases where the recordkeeping system of the foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the *same country* when the following conditions apply:

(i) The affiliates are in the same BEA 3-digit industry, as defined in the Industry Classifications and Export and Import Trade Classifications Booklet; or

(ii) The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated.

In all other situations, the U.S. Reporter should call this office at 202–523–0632 for guidance. Under no circumstances may a U.S. Reporter consolidate foreign affiliates in different countries.

(d) *Relationship between Forms BE–10A and BE–10B.* The term "U.S. Reporter" as defined means the fully consolidated U.S. domestic enterprise; therefore, on Form BE–10B, when data on trade and financial relationships between the U.S. Reporter and the foreign affiliate are requested, the data must reflect the foreign affiliate's relationship with the entire U.S. enterprise, not merely with one division or part.

(e) *Specialized report forms for banks*—Specialized report forms have been adopted for banks, that is, a business enterprise for which over 50 percent of its total revenues are generated by activities classified in BEA industry code 600, because much of the information on banks' foreign activities which is requested on the standard forms is already being reported on a regular and systematic basis to agencies of the Federal Government. The specialized report forms are designed to yield only such additional information as is deemed necessary. Use of specialized Forms BE–10A Bank and BE–10B Bank rather than the standard forms is at the discretion of BEA; in situations where their possible use is not clear-cut, permission must be secured from BEA in advance of filing.

A specialized report form—BE–10A Bank—has been developed for reporting by a U.S. Reporter which is a bank or a bank holding company. It is not to be used by a U.S. Reporter which may technically be classified as a bank holding company because of an interest in a banking activity, but which has over 50 percent of its revenues generated by non-bank activities. (Activities of subsidiaries which may not be banks but which provide support to the parent company, such as real estate subsidiaries set up to hold the office building occupied by the parent company, are considered bank activities.)

A specialized report form—BE–10B—has also been developed for reporting of a foreign affiliate which is a bank and in which the U.S. Reporter holds a direct ownership interest. Incorporated foreign bank affiliates in which the U.S. Reporter holds a direct equity interest must be separately reported. All branch banks of the U.S. Reporter in a given foreign country must be consolidated on one Form BE–10B Bank even if it is the Reporter's practice to report data for these branches separately on FR 105f.

A foreign bank affiliate of the U.S. Reporter in which the U.S. Reporter holds no direct ownership interest may be treated as an exempt foreign affiliate and need not be separately reported on Form BE–10B Bank, but must be listed on Form BE–10A Supplement.

A U.S. Reporter which is a bank, but which has a non-bank foreign affiliate, must file a Form BE–10A Bank for itself and a standard Form BE–10B for the non-bank foreign affiliate.

A U.S. Reporter which is not a bank, but which has a bank foreign affiliate, must file a standard Form BE–10A for itself and a Form BE–10B Bank for the bank foreign affiliate.

Banks located on U.S. military bases abroad and servicing base personnel are not considered "foreign" and a Form BE–10B Bank should *not* be filed for them.

The specialized report forms, where their use is permitted, stand in place of the standard forms, and the regulations and instructions should be so construed.

(f) *Due date*—BE–10 reports containing both Form BE–10A and Form(s) BE–10B are due on the following dates:

May 31, 1978—U.S. Reporter required to file less than 20 Forms BE–10B.

June 30, 1978—U.S. Reporter required to file from 20 to 99 Forms BE–10B.

July 31, 1978—U.S. Reporter required to file 100 or more Forms BE–10B.

(g) Inquiries concerning the BE–10 Survey should be directed to:

U.S. Department of Commerce, Bureau of Economic Analysis (BE–50, SSB), Washington, D.C. 20230, phone 202–523–0632.

§ 806.17 Rules and regulations for BE–12, Benchmark Survey of Foreign Direct Investment in the United States.

No survey is scheduled at this time; the last one was for 1974.

[FR Doc.77–36367 Filed 12–21–77;8:45 am]

federal register

THURSDAY, DECEMBER 22, 1977
PART VII

DEPARTMENT OF DEFENSE

Department of the Air Force
Department of the Navy
Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records, Amendments, Deletions, Additions

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force (AF)

PRIVACY ACT OF 1974

Notice of Systems of Records: Deletions, Amendments, Additions

Agency: Department of the Air Force.

Action: Notification of deletions, amendments and additions to Air Force systems of records.

Summary: The Air Force proposes to delete twenty-five, amend eight and add four systems of records subject to the Privacy Act of 1974. The twenty-five deleted systems and reasons for their deletions are specifically set forth under the "DELETIONS" heading. The eight systems being amended are set forth below under the "AMENDMENTS" heading. Following the identification code of the record systems and the specific changes therein, the complete revised record systems, as amended, are published in their entirety. The four added systems are published under the "ADDITIONS" heading. Following the system identification code, where the system fits in sequence with other Air Force systems, and reason for the system, the complete system is published in its entirety.

Dates: These systems shall be deleted, amended and added as proposed without further notice in 30 calendar days from the date of this publication unless comments are received on or before January 21, 1978 which would result in a contrary determination and requiring republication for further comments.

Address: Send comments to the Air Force Privacy Act Office, Directorate of Administration, Headquarters, United States Air Force (HQ USAF/DADMP), Bolling AFB, Washington, D.C. 20332.

For further information contact: Mr. Jon Updike, HQ USAF/DADMP, Bolling AFB, Washington, D.C. 20330.

Supplementary information: The Air Force systems of records as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(o) (Public Law 93-579) have been published in the Federal Register as follows:

FR Doc 77-23132 (42 FR 41468) August 17, 1977.
FR Doc 77-28255 (42 FR 50785) September 28, 1977.
FR Doc 77-31218 (42 FR 56774) October 28, 1977.
FR Doc 77-32284 (42 FR 58195) November 8, 1977.
FR Doc 77-33870 (42 FR 59996) November 23, 1977.

The Air Force is submitting a proposed periodic updating of its systems of records, 42 FR 50785 of September 28, 1977, subject to the Privacy Act. The proposed amendments and additions are not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976 which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

DECEMBER 15, 1977.

Maurice W. Roche,
Director,
Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

DELETIONS

Notice is given that the following Department of the Air Force system of records are deleted:

F01102 DPPPN B

System name: Responses to Congressional Inquiries (42 FR 50801).

Reason: This system is incorporated with F01102 DPEEB A, Congressional and Other High Level Inquiries, appearing in the added systems notices in this Federal Register.

F01102 DPXVE C

System name: Congressional Correspondence (42 FR 50801).

Reason: This system is incorporated with F01102 DPEEB A, Congressional and Other High Level Inquiries, appearing in the added systems notices in this Federal Register.

F01102 DPXVV E

System name: Congressional Inquiries/Legislative Liaison (42 FR 50802).

Reason: This system is incorporated with F01102 DPEEB A, Congressional and Other High Level Inquiries, appearing in the added systems notices in this Federal Register.

F01102 REPX D

System name: Congressional Inquiry File (42 FR 50804).

Reason: This system is incorporated with F01102 DPEEB A, Congressional and Other High Level Inquiries, appearing in the added systems notices in this Federal Register.

F01102 OIACYVA

System name: Congressional Inquiries (42 FR 50806).

Reason: This system is incorporated under F01102 DPEEB A, Congressional and Other High Level Inquiries, appearing in the added systems notices in this Federal Register.

F03001 OCGBUZB

System name: Drug Abuse Control Case Files (42 FR 50816).

Reason: System is merged with F003001 OCGBUZA Alcohol Abuse Control Case Files to better describe rehabilitation program records. See F03001 OCGBUZA under Amendments.

System name: Drug/Alcohol Abuse Control Case Files.

F03504 OKPMQSD

System name: AU Potential Faculty List (42 FR 50886).

Reason: System is covered by F03501 DPMDQIA.

System name: Military Personnel Records (42 FR 50841).

F03504 OKPNQSE

System name: Officer Assignment Logs (42 FR 50887).

Reason: System is covered by F03501 DPMDQIA.

System name: Military Personnel Records (42 FR 50841).

F03504 OKPNQSF

System name: Cooperative Degreee Accounting System (42 FR 50887).

Reason: System is covered by F03501 DPMDQIA.

System name: Military Personnel Records (42 FR 50841).

F040XX DPCD A

System name: Civilian Personnel Management Information System (CPMIS) (42 FR 50899).

Reason: This system is covered by F03004 AFDPMDB.

System name: Advanced Personnel Data System (APDS)—ADS: E300 (42 FR 50821).

F04009 DPCD A

System name: Civilian Personnel Statistical Accounting System (42 FR 50906).

Reason: This system is covered by F03004 AFDPMDB.

System name: Advanced Personnel Data System (APDS)—ADS: E300 (42 FR 50821).

F05001 OJ DOTA

System name: Program Administration Records (42 FR 50915).

Reason: This system is incorporated with F05101 OJ DOTA Flying Training Records—Non-student, appearing in the added system notices in this Federal Register.

F05002 OJ DOTD

System name: Individual Academic Records (42 FR 50925).

Reason: This system is incorporated with F05101 OJ DOTA Flying Training Records—Non-student, appearing in the added system notices in this Federal Register.

F05101 OJ DOTD

System name: Flying Training Records (42 FR 50934).

Reason: This system is incorporated with F05101 OJ DOTA Flying Training Records—Non-student, appearing in the added system notices in this Federal Register.

F05101 OJ DOTE

System name: Flying Training Records (42 FR 50935).

Reason: This system is incorporated with F05101 OJ DOTA Flying Training Records—Non-student, appearing in the added system notices in this Federal Register.

F12001 DPXSE B

System name: Investigations/Complaints Files (42 FR 50957).

Reason: Change of system identification number. See F12001 DPX B under added systems.

F12701 OYUEBLA

System name: Individual Accident/Violation and Safety Training Record (42 FR 50969).

Reason: This system of records has been eliminated.

F17603 DPMSPAA

System name: Dishonored Check Control Record (42 FR 50994).

Reason: This system is covered by F17607 DPMS.

System name: Nonappropriated Fund Instrumentalities (NAFIs) Financial System (42 FR 50995).

F17603 DPMSPAB

System name: Internal Accounts Receivable (42 FR 50994).

Reason: This system is covered by F17607 DPMS.

System name: Nonappropriated Fund Instrumentalities (NAFIs) Financial System (42 FR 50995).

F17607 DPMSOAB

System name: Air Force Open Mess Program (42 FR 50996).

Reason: This system is incorporated with F17607 DPM A Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records, appearing in the added systems notices in this Federal Register.

F17607 DPMSOBA

System name: Aero Club Membership/Training Records (42 FR 50996).

Reason: This system is incorporated with F17607 DPM A Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records, appearing in the added systems notices in this Federal Register.

F21501 DPMSP A

System name: Child Care Attendance Records (42 FR 51030).

Reason: This system is incorporated with F17607 DPM A Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records, appearing in the added systems notices in this Federal Register.

F21501 DPMSP B

System name: Recreation Volunteer and Application Records (42 FR 51030).

Reason: This system is incorporated with F17607 DPM A Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records, appearing in the added systems notices in this Federal Register.

F21501 DPMSP C

System name: Interservice Photography Contest Entry Records (42 FR 51030).

Reason: This system is incorporated with F17607 DPM A Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records, appearing in the added systems notices in this Federal Register.

F40–2–2 FZHTVA

System name: E246 Civilian Skills Locator System (42 FR 51033).

Reason: This system is covered by F03004 AFDPMDB.

System name: Advanced Personnel Data System (APDS)—ADS: E300 (42 FR 50821).

AMENDMENTS

Notice is given that the following Department of the Air Force systems of records are amended:

F03001 OCGBUZA

System name: Alcohol Abuse Control Case Files (42 FR 50815).

Changes:

System name: Change name to "Drug/Alcohol Abuse Control Case Files."

Categories of individuals covered by the system: Delete entry and substitute, "Air Force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in a drug/alcohol rehabilitation program."

Retention and disposal: Delete entry and substitute, "Destroy one year after completion of follow on phase of rehabilitation by tearing into pieces, shredding, pulping, macerating, or burning, unless needed as background for case files supporting a separation action or other actions under directives, in which case, disposition will be the same as the file which they support. Files at George AFB, CA and Nellis AFB, NV will be retained for one year after completion of rehabilitation, permanent change of station or separation or 31 Dec 79, whichever is later."

System manager(s) and address: Delete entry and substitute, "Deputy Chief of Staff Personnel, Headquarters United States Air Force."

F03501 DPMAR

System name: Disability/Non-Disability Retirements Records (42 FR 50841).

Changes:

Categories of individuals covered by the system: Delete entry and substitute: "Officers and airmen currently on the Temporary Disability Retired List (TDRL); officers and airmen who have requested voluntary retirement other than those whose applications were automatically approved."

Categories of records in the system: Delete entry and substitute: "TDRL punch card data files; retirement applications and associated documents; biographical data."

Routine uses of records in the system: Add "; used to control TDRL actions; diagnostic information may be provided to attending physicians of TDRL members to obtain current status of originally disabling conditions."

F03504 OJMPLSC

System name: Assessments Screening Records (42 FR 50885).

Changes:

System location: Change "3700 Personnel Processing Group," to read "3507 Airman Classification Squadron,".

System manager(s) and address: Delete entire entry and substitute: "Commander, 3507 Airman Classification Squadron, Lackland AFB TX 78236."

Record source categories: Change the entire entry to read as follows: "Information obtained from previous employers; financial, educational, medical personnel and institutions; trade associations; police and inves-

tigating officers; states or local governments; peers, character references, and the individual member."

F05002XOJ ED A

System name: Community College of the Air Force Student Record System (42 FR 50930).

Changes:

System location: Delete entry and substitute, "The system is centrally administered by the Community College of the Air Force (CCAF), Lackland AFB TX 78236. Computer processing for the system is furnished by the Air Training Command Directorate of Data Automation (HQ ATC/ACD), Randolph AFB TX 78148. Microfiche for the system are created by the USAF Security Service (HQ USAFSS/DADS), Kelly AFB TX 78243."

Routine uses: Delete, in line 28, "(which agencies may include the Veterans Administration, Trinity University, and the United States Automobile Association)," and add a period. Delete all after "employees of," in line 31, and substitute, "Honeywell, Inc., and other civilian contractors who may be engaged by the Air Force to provide services which directly or indirectly support the record system."

System manager(s) and address: Delete in line 5, "Randolph AFB, TX 78148." and substitute, "Lackland AFB, TX 78236."

Notification procedure: Delete all before, "Such inquiries" in line 6 and substitute, "Address inquiries to Chief, Student Records Branch (CCAF/RRR), Lackland AFB, TX 78236."

F08003 OHCNBCA

System name: Aeromedical Research Data (42 FR 50946).

Changes:

Category of individuals covered by the system: Delete entry and substitute, "Personnel receiving medical evaluation from Department of Defense medical facilities. Participants in epidemiologic studies sponsored by agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institute of Health, National Research Council, and Occupational Safety and Health Administration."

Categories of records in the system: Add, "Demographic and mortality data."

Routine use of records maintained in the system, including categories of users and the purpose of such uses: Delete: Current statement. Add: "Individually identifiable records are used by medical authorities and consultants of the Department of Defense and Federal Aviation Administration to determine that individual's fitness for duty. Data on foreign personnel are used by the corresponding authority in that individuals country to determine his fitness for duty. An individual's record is used by medical personnel to deliver medical care to that patient. Aeromedical research data are used by scientists working with agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institute of Health, National Research Council, and Occupational Safety and Health Administration to determine medical criteria for duty, and to develop methods to prevent disease and disability."

Storage: Add, "in paper files, on analog and digital magnetic tape, and on disks."

Retrievability: Add, "by other identification numbers and patient characteristics."

Safeguards: Delete statement and substitute, "Computerized patient records retrievable from remote terminals are protected from unauthorized access or alteration by a data management system which requires a password for allowing access to the authorized subset of data. When appropriate for research purposes, the data base management system permits scientists to examine patient records without revealing the unique patient identifiers. All of the data is accessed only by the custodian of the record system, and released only to medical personnel and scientists who are properly screened and cleared for need to know."

Retention and disposal: After "Destroy," add, "paper and microfilm files." Add at end, "Magnetically stored date is destroyed by erasure."

F16001 SGPC A

System name: Medical Professional Staffing Records (42 FR 50972).

Changes:

Retention and disposal: Change the second sentence to read as follows: "Following separation, resignation, or retirement, the files are retained at the location of the last duty assignment for a period of 3 years and then are destroyed."

System manager(s) and address: On line 3 after the word "clinics" insert a period. Delete "Director, Washington National Records Center, Washington, DC 20409.

F17738 OEACYVA

System name: Joint Uniform Military Pay System (JUMPS) (42 FR 51011).

Changes:

Routine uses: Add after "payments" on line 27 "(including release of information to computer server centers and other accounting services when such centers and services act as authorized agents of financial organizations specified by the member to receive monies due him)."

F17734 OEACYVA

System name: United States Air Force Retired Pay System (42 FR 51012).

Changes:

System location: Delete "Records Center Annex, GSA, P.O. Box 141, Neosho, Missouri 64850" and insert, "Federal Archives and Records Center, 2306 E. Bannister Road, Kansas City, Missouri 64131."

Categories of records in the system: On line 15, after "schooling," add "court orders for Writs of Garnishment and for assignment of wages."

Authority for maintenance of the system: Add at end, "31 USC 492; 31 CFR 209, 210."

Routine uses: Beginning on line 10, delete, "casualty cases are established upon the death of a member and arrears of pay are computed and disbursed to survivors; upon the death of a retired member, RSFPP and/or SBP accounts are established and survival annuities are paid," and insert, "established casualty cases upon the death of a retired member and compute and disburse arrears of pay to the survivors and established RSFPP and/or SBP accounts upon the death of a retired member and pay survival annuities."

On line 32, after "Freedom of Information Act." add, "Information is sent to the Veteran's Administration regarding retirees who are paying Government Life Insurance premiums by Class N allotments from their retired pay."

On line 39, delete, "and."

On line 41, after "repayments," change period to semicolon and add, "information is released to computer service centers and other accounting services when such centers and services act as authorized agents of financial organizations specified by the member to receive monies due him."

Retention and disposal: On line 6, delete, "records center annex at Neosho, Missouri," and insert, "Federal Archives and Records Center at Kansas City, Missouri."

F03001 0CGBUZA

System name: 03001 0CGBUZA Drug/Alcohol Abuse Control Case Files.

System location: At servicing Air Force (AF) installation social actions office. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Air Force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in a drug/alcohol rehabilitation program.

Categories of records in the system: As a minimum, the file contains forms and commander's letters documenting date and means of identification, categorizing type of abuse, and indicating that individual has completed the rehabilitation program.

Authority for maintenance of the system: Section 408, drug-abuse office and treatment act of 1972 (Public Law 92-255; 21 USC 1175)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To document a person's progress in the rehabilitation program. Those authorized to review,

handle, or have access to the file are social actions and medical personnel directly engaged in rehabilitation of a person, Veterans Administrat ion (VA) treatment personnel in cases of members transferred directly to VA in active duty status, official members of rehabilitation evaluation group, Commanders in member's chain of command, and persons authorized by Public Law 92-255, section 408(b)21 United States Code 1175(b)). The file is used to develop a treatment regimen, to assist rehabilitation evaluation group make decisions for rehabilition program dispositions, and to prepare recurring reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed by Name by other identification number or system identifier.

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets safes and controlled by personnel screening.

Retention and disposal: Destroy one year after completion of follow on phase of rehabilitation by tearing into pieces, shredding, pulping, macerating, or burning, unless needed as background for case files supporting a separation action or other actions under directives, in which case, disposition will be the same as the file which they support. Files at George AFB, CA and Nellis AFB, NV will be retained for one year after completion of rehabilitation, permanent change of station or separation or 31 Dec 79, whichever is later.

System manager(s) and address: Deputy Chief of Staff Personnel, Headquarters United States Air Force.

Notification procedure: Chief, Social Actions servicing AF installation. Requests to determine existence of a file should include full name, grade, and unit of assignment. Personal visit proof of identity requires full name and possession of Department of Defense (DD) Form, 2 AF, Armed Forces Identification Card; DD Form 1173, Uniformed Services Identifrcation and Privilege Card; or driver's license and personal recognition of counselor.

Record access procedures: Chief social actions servicing AF installation. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from medical institutions, personnel records, individuals.

Systems exempted from certain provisions of the act: NONE

F03501 DPMAR

System name: 03501 DPMAR Disability/Non-Disability Retirements Records

System location: At Air Force Military Personnel Center, Randolph Air Force Base, TX 78148.

Categories of individuals covered by the system: Officers and airmen currently on the Temporary Disability Retired List (TDRL); officers and airmen who have requested voluntary retirement other than those whos applications were automatically approved.

Categories of records in the system: TDRL punch card data files, retirement applications, and associated documents biographical data.

Authority for maintenance of the system: 10 USC Chapter 33, Appointments in Regular Components Section 564; Chapter 59, Separation, Sections 1164 and 1166; Chapter 61, Retirement or 10 USC Chapter 33, Appointments in Regular Components Separation for Physical Disability; Chapter 63, Retirement for Age, Section 1263; Chapter 65, Retirement for Length of Service, Sections 1293 and 1303; Chapter 835, Appointments in the Regular Air Force, Section 8303; Chapter 859, Separation from Regular Air Force for Failure to Meet Standards, Sections 8786 and 8796; Chapter 865, Retirement for Age, Sections 8883, 8884, 8885, 8886; Chapter 867, Retirement for Length of Service, Sections 8911, 8913, 8915, 8916, 8918, 8921, 8922, 8923 and 8924.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide information on retirement cases and to allow appropriate case processing; used to control TDRL actions; diagnostic information may be provided to attending physicians of TDRL members to obtain current status of originally disabling conditions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in visible file binders/cabinets.

Retrievability: Filed by Name by Social Security Number (SSN).

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Stored in secure building.

Retention and disposal: Correspondence files are retained for two years after end of year case was closed or inquiry responded to; disability retain files are retained for 90 days after case is finalized; case files are retired to Master Personnel Records Group when service retirement action has been completed; TDRL punch cards destroyed when member is removed from TDRL. Disposal is by shredding or burning.

System manager(s) and address: Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base,TX.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Correspondence and forms generated in Retirements Division (AFMPC/DPMAR), military hospitals, HQ USAF Surgeon General (HQ USAF/SG), Consolidated Base Personnel offices and Major Air Commands, by the members themselves, and by the general public on retirement related matters.

Systems exempted from certain provisions of the act: NONE

F03504 0JMPLSC

System name: 03504 0JMPLSC Assessments Screening Records

System location: 3507 Airman Classification Squadron, Lackland AFB, TX 78236. Defense Investigative Service, Personnel Investigation Control Center, Post office box 1211, Baltimore, MD 21203.

Categories of individuals covered by the system: Basic Airmen selected for assessment screening.

Categories of records in the system: Biographical questionaire, reference letters, peer ratings.

Authority for maintenance of the system: 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening for assignment to sensitive high risk Air Force jobs to enhance efficiency and reliability of personnel security investigations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed by Name, by Social Security Number (SSN) by other identification number or system identifier.

Safeguards: Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by personnel screening.

Retention and disposal: Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Commander, 3507 Airman Classification Squadron, Lackland AFB TX 78236.

Notification procedure: Requests from individuals should be addressed to the Systems Manager. and include name, social security number, proof of same.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by

the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from previous employers; financial, educational, medical personnel and institutions; trade associations; police and investigating officers; states or local governments; peers, character references, and the individual member.

Systems exempted from certain provisions of the act: NONE

F05002X0J ED

System name: 05002X0J ED A Community College of the Air Force Student Record System

System location: The system is centrally administered by the Community College of the Air Force (CCAF), Lackland AFB TX 78236. Computer processing for the system is furnished by the Air Training Command Directorate of Data Automation (HQ ATC/ACD), Randolph AFB TX 78236 Microfiche for the system are created by the USAF Security Service (HQ USAFSS/DADS) Kelly Air Force Base, TX 78243

Categories of individuals covered by the system: The system may have a record for any person who has a social security number and who has since 1 January 1968 completed a formal course of instruction conducted by one of the Air Force schools identified in the current Community College of the Air Force General Catalog. (Note: Such courses do not include pre-commissioning courses and courses conducted exclusively for officers or their civilian counterparts.) The system also includes records reflecting Air Force courses completed before 1968 and other educational accomplishments for persons who as enlisted members of the Air Force registered in programs of study leading to credentials awarded by the college. (Note: Both here and where appropriate below, the general term Air Force should be understood as including the regular Air Force, the Air Force reserve, and the Air National Guard.)

Categories of records in the system: The college originates and maintains individual academic records and, where necessary to serve Airmen registered in study programs leading to credentials awarded by the college, maintains a variety of source or substantiating records such as copies of registration applications and document control records derived from such applications; civilian college transcripts; college level examination program score reports; copies of educational records originated by other Air Force and non-Air Force agencies external to the college (such as the Federal Aviation Agency, the United States Armed Forces Institute, and the Defense Activity for Non-traditional Education Support); copies of a variety of Air Force personnel records (such as documents derived from master records maintained by the USAF Military Personnel Center and microfiche records of locator data); and records of credentials awarded to graduates. As necessary to manage the day-to-day operations and to plan development of the record system the college also maintains copies and related records of communications from, to, or regarding persons interested in the college, its educational programs, its student record system, and related matters. Copies of and statistical records derived from individual responses to surveys, questionnaires, and similar instruments authorized by HQ USAF may also be maintained as needed for managerial evaluation and planning by officers of the college.

Authority for maintenance of the system: 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records originated in the system serve the purpose of documenting, in terms of credit awarded or accepted in transfer by the college, individual educational accomplishments which satisfy curricular requirements of study programs leading to credentials offered by the college. Transcripts of records originated in the college are at the written request of persons concerned furnished to any recipient(s) designated in such requests. Such recipients typically include Air Force Education Services Centers, other offices where Air Force personnel are stationed, educational institutions, and potential or current employers. CCAF transcripts and copies of other records originated in the college are typically used to support educational and occupational counselling, planning, and development; admission to other colleges; and related individual affairs. Other disclosures of personal records originated in or maintained by the college may without the knowledge or written consent of persons concerned be made to Air Force officers, enlisted personnel, and civilian employees directly involved in administering or supporting the educational programs offered or records managed by the college; other Air Force officers, enlisted personnel, and civilian employees who provide educational and related services to Air Force personnel; officers and employees of other agencies as may be necessary to comply with proper requests for records under the Freedom of Information Act (5 USC 552, as amended by Public Law 93-502); and to officers and employees of other agencies as may be necessary to overcome extended interruptions in normal computer processing. Similar incidental disclosures of information recorded in the system may be made to employees of Honeywell, Inc., and other civilian contractors who may be engaged by the Air Force to to provide services which directly or indirectly support the record system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Permanent student records are maintained on and reproduced as necessary from microfiche created by computer processing. Microfiche are maintained in special filing stands and in special three-ring binders. Computer records are maintained on and as necessary reproduced from magnetic media (tape and disk) which when not in use are filed in special cabinets and racks in a library facility. Paper records are maintained in file folders, card files, and conventional cabinets, and in special binders and cabinets designed for computer listings.

Retrievability: Computer records are retrievable by a combination of social security number (SSN) and certain letters of last name. Microfiche records are retrievable by SSN exclusively. Paper records are retrievable by either SSN or name. Note as may be necessary to support managerial studies by the college staff, computer records may also be retrieved in groups where such records bear common information.

Safeguards: Records maintained in the college are normally disclosed only upon written request from the persons whose records are to be disclosed or upon written request from an Air Force officer or employee responsible to provide educational or related services to Air Force personnel. Disclosures to non-Air Force agencies not requested by the individual are made only with consent of an officer of the college and as consistent with the Privacy Act of 1974 and the Freedom of Information Act. Except for disclosures within the college as may be necessary to its operations, requests by telephone and other unwritten means will not be honored unless in the judgment of a responsible member of the college staff the requestor is a member or employee of the Air Force acting on behalf of, or is, the person whose record is requested. Special care is exercised to ensure complete identification of the requestor, the person whose record is to be disclosed, and intended use. Other systematic safeguards to ensure integrity of records include secure storage of successive generations of computer master files, existence and long term retention in other Air Force agencies of records which would be needed to rebuild the entire system in the event of catastrophe, and traditional measures to ensure the security of Air Force facilities. All records in the system are during duty hours attended by responsible Air Force personnel and during non-duty hours stored in locked facilities under constant or periodic surveillance by Air Force security police or comparable civilian guards.

Retention and disposal: Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Rules for retention of permanent microfiche and corresponding magnetic tape records have not yet been determined. It is anticipated that such records may need be retained for not less than 30 and not more than 50 years beyond the latest entries on each such record. Transitory computer records (such as input transaction records and records on successive generations of master files) are typically retained only so long as they may be useful, which may be as little as 48 hours or as much as 60 days. Active master file records are by their nature evolutionary and are typically retired within 180 days of a person's separation or retirement or five years after the most recent entry on a given record. (The last rule applies to persons who were not enlisted Air Force members when the last entries on their records were made.) Paper records maintained to serve students registered in study programs are retained so long as a registrant remains active in his or her program. Such records are destroyed one year after a registrant completes his or her study program or three years after the most recent communication from an airman whose program has not been completed. Other records are retained only so long as they may serve a useful purpose, which is typically between 30 and 90 days. No rule has yet been established for retaining records which verify

awards of credentials by the college, but it is expected that such records will need be archival.

System manager(s) and address: Deputy Chief of Staff/Personnel, Headquarters United States Air Force. System Manager and President, Community College of the Air Force (CCAF/CC) Lackland AFB, TX 78236.

Notification procedure: Address inquiries to Chief, Student Records Branch (CCAF/RRR) Lackland AFB, TX 78236. Such inquiries will need include the full name (and former names if appropriate), SSN, and birthdate of the inquirer, and should include a full return address (including zip code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager. and from addresses listed above.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from educational institutions, from automated system interfaces. and from source documents submitted to the college by or at the request of individuals concerned, or by other Air Force agencies acting on behalf of individuals concerned.

Systems exempted from certain provisions of the act: NONE

F8003 0HCNBCA

System name: 08003 0HCNBCA Aeromedical Research Data.

System location: Aerospace Medical Division(AMD) Brooks Air Force Base, TX 78235.

Categories of individuals covered by the system: Personnel receiving medical evaluations from Department of Defense medical facilities. Participants in epidemiologic studies sponsored by agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institute of Health, National Research Council, and Occupational Safety and Health Administration.

Categories of records in the system: Medical evaluations, Demographic and mortality data.

Authority for maintenance of the system: 10 US Code 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individually identifiable records are used by medical authorities and consultants of the Department of Defense and Federal Aviation Administration to determine that individual's fitness for duty. Data on foreign personnel are used by the corresponding authority in that individuals country to determine his fitness for duty. An individual's record is used by medical personnel to deliver medical care to that patient. Aeromedical research data are used by scientists working with agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institute of Health, National Research Council, and Occupational Safety and Health Administration to determine medical criteria for duty, and to develop methods to prevent disease and disability.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in microfilm jackets, in paper files, on analog and digital magnetic tape, and on disks.

Retrievability: Filed by Name, by Social Security Number (SSAN), by other identification numbers and patient characteristics. by Social Secuirty Number *SSN*.

Safeguards: Computerized patient records retrievablle from remote terminals are protected from unauthorized access or alteration by a data management system which requires a password for allowing access to the authorized subset of data. When appropriate for research purposes, the data base management system permits scientists to examinpatient records without revealing the unique patient identifiers. All of the data is accessed only by the custodian of the record system, and released only to medical personnel and scientists who are properly screened and cleared for need to know.

Retention and disposal: Destroy paper and microfilm files when no longer needed or after 25 years by tearing, shredding, pulping, macerating or burning. Magnetically stored date is destroyed by erasure.

System manager(s) and address: Commander Aerospace Medical Division, Brooks Air Force Base, TX 78235.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information from military personnel records.

Systems exempted from certain provisions of the act: NONE

F16001 SGPC

System name: 16001 SGPC A Medical Professional Staffing Records

System location: At Air Force medical centers, hospitals, and clinics. All health facilities where graduate health education programs are conducted.

Categories of individuals covered by the system: Practitioners, who are, or have been, members of the USAF Medical Service or Civil Service Employees (including civilian consultants who engage in direct patient care) and who are assigned to, employed by, or practice in the Air Force medical facility for the purpose of providing health services for eligible beneficiaries; United States Air Force Medical Service personnel pursuing graduate health education programs.

Categories of records in the system: (1) Credential review files: Contains curriculum vitae, training reports, journals of patients managed, summaries of ambulatory experience, letters of evaluation, summaries of special activities or other information furnished or solicited in order to fully evaluate the professional qualifications of individuals. (2) Health education records: applications for training, training reports, Faculty Board reports, photograph or negative, and personnel documents related to training.

Authority for maintenance of the system: 10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The credential review files are used to award inpatient and ambulatory clinical privileges to health practitioners. They may also be used as background to respond to applications submitted by individual, admission to professional medical societies, employment, for medical privileges at civilian institutions. Health education records are used to permit evaluation of individuals in training,. by program directors, in managing the individual in training; by the record maintenance personnel, to document changes to the individual's personnel record maintained by the servicing Consolidated Base Personnel Office (CBPO).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders Visible file binders/cabinets.

Retrievability: Filed by Name.

Safeguards: Records are accessed by custodian of the record system and By person(s) responsible for servicing the record system in performance of their official duties, by commanders of USAF medical centers hospitals and clinics (credential review files) by program directors, trainees and personnel managers with the need to know (health education records).

Retention and disposal: (1) credential review files are retained in the office files of the medical facility the practitioner is assigned or employed. Following separation, resignation, or retirement, the files are retained at the location of the last duty assignment for a period of 2 years and then forwarded to the Washington National Records Center, Washington, DC 20409. (2) Following separation, resignation, or retirement, the health education records are retained at of the last duty assignment for a period of 3 years and then are destroyed.

System manager(s) and address: For credential review files: The Surgeon General, Headquarters, United States Air Force; Commanders of medical centers, hospitals, clinics. For health education records, individuals should give full name, military status, social security number, when they entered training and completed training, and what corps within the medical service they are a member. Individuals may visit either the health facility main- taining the records or the Office of the Surgeon, Air Force Military Personnel

Center, Randolph Air Force Base, Texas to learn if the record system contains their records. When visiting either of these locations, the individual must provide a valid drivers license or equivalent identification containing a photograph to establish identity.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: For credential review files, individual may obtain assistance in gaining access from the Systems Manager. For health education records, individual may obtain assistance by writing or presenting themselves in person to the health facility where the records are maintained. Official mailing addresses are in the Depart- ment of the Air Force Directory in the appendix to the Department of the Air Force system notices.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Credential review files: Basic information submitted by the practitioner. Additional information may be solicited from other sources in order to permit the credentials committee to best judge the capabilities of the practitioner. Health education records: Previous employer, educational institutions, master personnel record, information provided by the individual concerned.

Systems exempted from certain provisions of the act: NONE

F17730 0EACYVA

System name: 17730 0EACYVA Joint Uniform Military Pay System (JUMPS)

System location: Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279. Air Force Military Personnel Center, Randolph Air Force Base, TX 78148. Consolidated Base Personnel Offices at Air Force installations. Accounting and Finance Offices at Air Force bases. At Air Force Data Systems Design Center, Gunter Air Force Station, AL 36114 (for research and test only), Denver Federal Archives and Records Center, Denver, CO 80225 (storage), Records Center Annex GSA, PO Box 141, Neosho, MO 64850 (back-up storage). Information pertaining to geographically dispersed elements of the record system (CBPO's and AFO's) may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice.

Categories of individuals covered by the system: Air Force active duty military personnel and dependents. Retired. Separated Air Force military personnel, individuals to whom active duty military personnel authorize a direct payment of a portion of their pay, and Officers of the Air Reserve and Air National Guard on extended active duty.

Categories of records in the system: Military pay records and files including but not limited to master military pay accounts, immediate access storage, six-months history, leave and earnings statements, federal insurance contribution act tax and federal income tax withholding contained on magnetic tape, magnetic discs, microfilm, microfiche and computer printed formats; pay authorization control files, central pay authorization file, deferred transaction file, reject suspense file and daily transaction record. Military pay supporting documents and vouchers including but not limited to basic pay; special compensation positions such as medical, dental, veterinary and optometry; special pay such as foreign duty, proficiency, hostile fire and diving duty; status adjustments relating to entrance on active duty, absent-without-leave, confinement, desertion, sick or injured, leave, mentally incompetent, missing, interned, permanent change of station, promotions and demotions; separation, reenlistments, incentive pay such as flying duty, stress duty, demolition duty, parachute jumping duty and submarine duty; allowances, such as basic allowance for subsistence, basic allowance for quarters, family separation allowances, overseas station allowances, clothing monetary allowance; separation payments, death gratuities, time-in-service; allotments of pay; checks-to-banks; federal and state withholding taxes; court-martial sentences and non-judicial punishment; indebtedness resulting from but not limited to overpayment of pay and allowances and allotments, other debts to United States, certain non-government debts, and correspondence pertaining to all of the above, inquiries files, personal financial records and sundry lists, reports and rosters including but not limited to Internal Revenue reports, state tax reports, Veterans Administration reports, Social Security Administration reports, and Treasury reports.

Authority for maintenance of the system: 37 USC 101 et seq.; 10 USC 265, 8033, 8496; 10 USC 9837 (d); 32 USC 708; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purposes of these records are to accurately and timely pay members of the Air Force, provide members periodic comprehensive statements of their accounts, and to respond to inquiries concerning their accounts at any time. US Air Force components such as Headquarters, Air Force Accounting and Finance Center, Major Commands and Air Force installations use these records to determine pay due military members, to verify pay affecting information, to collect overpayments made to military members, to provide accrual accounting for each covered entitlement of military pay and allowances, and to provide fund manager reports, internal manager reports and external reports. Other users include but are not limited to other components of Department of Defense such as Army and Navy which may pay Air Force members and initiate claims; other federal agencies such as the Internal Revenue Service for tax information on members, Social Security Administration for information regarding Federal Insurance Contribution Act tax deducted from members, Veterans Administration for information regarding premiums on serviceman's group life insurance, the General Accounting Office for audits, opinions, and fact-finding information, state and local governments for tax and welfare information, US and state courts for civil litigation and criminal prosecution purposes, members of Congress for complaints from constituents and for inquiries not generated by constituents, insurance companies for allotments made to them by military members, financial institutions for deposits (checks-to-banks) and/or payments (including release of information to computer service centers and other accounting services when such centers and services act as authorized agents of financial ospecified by the member to receive monies due him). The American Red Cross and the Air Force Aid Society. Records may be disclosed to law enforcement agencies such as but not limited to office of Special Investigations, United States Air Force; Federal Bureau of Investigation; city and state authorities for violations of law, for investigation and possible criminal prosecution, civil court action or regulatory processes. Disclosures made pursuant to the Freedom of Information Act. Disclosures to the Department of Justice for criminal prosecution, civil litigation, or for investigatory purposes. American Red Cross uses this information to determine needs of a member or his dependents in emergency situations. The Air Force Aid Society uses this information to determine needs of a member or his dependents in emergency situations and for verification of loan applications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders/ note books/binders/bisible file binders/cabinets/card files, computer magnetic tapes and maintained on computer paper printouts, and on roll mircrofilm and microfiche.

Retrievability: Filed by Name, Social Security Number (SSN), or Military Service Number.

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/ locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

Retention and disposal: local retention varies from 3 to 6 years. At expiration of local retention, records are either destroyed by tearing, shredding, pulping, macerating or burning or transferred by the Air Force Accounting and Finance Center to the Denver Federal Archives and Records Center for varying retention periods up to 56 years. Destroyed by shredding. Back-up records for emergency reconstruction in the event of primary record destruction are retained by the Federal Records Center Annex GSA at Neosho MO. Destruction is by shredding.

System manager(s) and address: Comptroller of the Air Force, Headquarters United States Air Force.

Notification procedure: Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO, 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed ele-

ments of the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security account number, military status, duty status or place of employment or other information verifiable from the record itself.

Record access procedures: Request from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO, 80279, telephone (303) 320-7553. Requests pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security account number, military status, duty status or place of employment or other information verifiable from the record itself.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from financial institutions, automated system interfaces; a state or local government; source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth, military pay information originating from telephone inquiries, telegraph messages and correspondence; information from federal agencies and other DoD components; and information from Air Force installations, Major Commands and USAF Headquarters.

Systems exempted from certain provisions of the act: NONE

F17734 0EACYVA

System name: 17734 0EACYVA United States Air Force Retired Pay System.

System location: Air Force Accounting and Finance Center, Lowry AFB Denver CO 80279. Federal Archives and Records Center, building 48, Denver Federal Center, Denver, Colorado 80225. Federal Archives and Records Center, 2306 E. Bannister Road, Kansas City, Missouri 64131 (back up storage only). Air Reserve Personnel Center and Personal Affairs offices at Air Force installations. Official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Air Force active duty officer and enlisted personnel. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Dependents and survivors of military personnel.

Categories of records in the system: Records include, but are not limited to, retired pay and annuitant pay master files with supporting documentation relating to entitlements, deductions, collections and allotments. Supporting documents include but are not limited to the following: Retirement Orders, retirement pay orders, gross pay statements, statements of employment, employees' withholding exemption certificates, records of emergency data, retired pay allotment authorizations, United States savings bond authorizations, Air Force Reserve retirement credit summaries, divorce decrees, computation of retired pay, death certificates, claims for unpaid pay and allowances of deceased members, marriage certificates, adoption papers, guardian papers, birth certificates, election certificates for Retired Servicemans' Family Protection Plan (RSFPP), election certificates for Survivor Benefit Plan (SBP), documents pertaining to status of childrens' schooling, court orders for Writs of Garnishment and for assignment of wages and income tax withholding statements. Also included are listings of bonds, allotments, retired pay and annuitant pay checks, debts owed the government and direct remittances made by retirees for the costs of the RSFPP and SBP plans, records from dependents of retired military personnel, correspondence related to retirement entitlements such as reports from hospitals and medical review boards, print-outs of members' active duty military pay accounts from the joint uniform military pay system.

Authority for maintenance of the system: 10 USC Chapters 61, 63, 65, 67, 69, 71, 73 and 79; 5 USC Chapter 83. 37 USC 101 et. Seq.; 38 USC 410; 31 USC 492; 31 CFR 209, 210.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purposes of these records are to accurately and timely pay the retired members of the Air Force and their survivors, provide members periodic statements of pay, document and account for all disbursements and collections, and to respond to inquiries concerning the retiree and annuitant accounts. Records are used to establish, maintain and close retiree and annuitant pay accounts and prepare related reports; compute retired and annuitant pay and initiate actions for monthly pay and allotment transactions; establish casualty cases upon the death of a retired member and compute and disburse arrears of pay to survivors and establish RSFPP and/or SBP accounts upon the death of a retired member and pay survival annuities. Users of system record data include Headquarters US Air Force and the USAF Military Personnel Center for routine and special reports which are generally statistical in nature, but occasionally include lists of retirees with related pay data. Other users include, but are not limited to, any component of the Department of Defense for inquiries, audit and document utilization; other federal agencies such as the Internal Revenue Service for normal wage and tax withholding reporting, accounting, tax audits and levies; Comptroller General and the General Accounting Office for legal interpretations and audits. Disclosures are made to the Department of Justice for criminal prosecution, civil litigation or investigation; disclosures are made to the Veteran's Administration regarding establishments, changes and discontinuances of VA compensation to retirees and annuitants; disclosures are made to the Social Security Administration regarding wages and Federal Insurance Contributions Act Tax withholding; information is furnished the American Red Cross and the Air Force Aid Society for their use in assisting retirees and their survivors; disclosures are made pursuant to the Freedom of Information Act. Information is sent to the Veteran's Administration regarding retirees who are paying Government Life Insurance premiums by Class N allotments from their retired pay. Information is supplied to state and local governments for use as follow-up data in welfare cases and for tax purposes. Also, there is an automated interface with the Joint Uniform Military Pay System for data used to compute annuitant payments; checks are sent to banks for credit to the retiree's and annuitant's accounts including payments made under the Electronics Fund Transfer System (EFTS) transmitted through the Federal Reserve System; allotments are mailed to other financial institutions for uses such as insurance premiums and loan repayments; information is released to computer service centers and other accounting services when such centers and services act as authorized agents of financial organizations specified by the member to receive monies due him. Information is also supplied to the Civil Service Commission when a retiree waives his military retired pay in order to use his military service for computing his Civil Service Retirement Annuity. Records are also used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by other Government agencies. Information is supplied to the courts regarding retiree pay in garnishment cases. Disclosures are also made to attorneys, law firms, and other parties acting as executors or administrators of retirees estates and information is provided to trustees of mentally incompetent members and guardians of survivors (children).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders/note books/binders/visible file binders/cabinets/card files, computer magnetic tapes and paper printouts, and on roll microfilm and micorfiche.

Retrievability: Filed by Name, Social Security Number (SSN) or Military Service Number.

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/vaults/ locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

Retention and disposal: the system contains differing types of records subject to varied periods of retention up to 56 years. Final destruction of records is by shredding. Records are maintained in the retired pay division office while active, and then retired to the Denver Federal Archives and Records Center. Duplicate records are maintained at the records center annex at Neosho, Missouri for storage. Destruction is accomplished by shredding or burning.

System manager(s) and address: Comptroller of the Air Force, Headquarters United States Air Force. Director of Accounting and Finance United States Air Force Washington DC 20330 (USAF).

Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, TX 78148 for Survivor Benefit Plans Briefing records and spouse notification letters.

Notification procedure: Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, duty station or place of employment, military status, military grade or other information verifiable from the record itself. For Survivor Benefits Plans Briefing records and spouse notification data, contact the Systems Manager specified in the preceding category or Personal Affairs officials at the servicing Air Force installation. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

Record access procedures: Requests from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. The requester should be able to provide sufficient proof of identity, such as name, social security number, duty station or place of employment, military status, military grade or other information verifiable from the record itself.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from previous employers, financial, educational, and medical institutions, automated system interfaces, a state or local government, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Also record system sources of information include but are not limited to, the following members, survivors, trustees of mentally incompetent members, guardians of survivors (children), private law firms which are executors of estates in casualty cases, the Military Personnel Center at Randolph Air Force Base, Texas, and other government agencies such as the Veterans Administration and the Social Security Administration. Information also obtained from the individual.

Systems exempted from certain provisions of the act: NONE

ADDITIONS

Notice is given that the following Department of the Air Force systems are added:

F01102 DPEEB A

System name: Congressional and Other High Level Inquiries.

Insert: Before system F01102 DPPPN B.

Reason: To combine and better describe as one system F01102 DPPPN B, Responses to Congressional Inquiries; F01102 DPXVE C, Congressional Correspondence; F01102 DPXVV E, Congressional Inquiries/Legislative Liaison; and F01102 REPXD, Congressional Inquiry File.

F01102 DPEEB A

System name: Congressional and Other High Level Inquiries.

System location: At Headquarters United States Air Force. Inquiries concerning Air Force or Air Force reserve personnel procurement policies and procedures may also be located at headquarters of the major air commands, numbered air forces or comparable levels. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Air Force military personnel serving on active duty, in the Air Force Reserve, or retired or discharged from the Air Force. Civilian personnel currently or formerly employed by the Air Force. Personnel attending Air Force training institutions or undergoing training under Air Force sponsorship.

Categories of records in the system: Background information and information reflecting Air Force policies and procedures; copies of inquiries received from the Office of the President, Members of Congress and other high level sources requesting information by or on behalf of a constituent; copies of replies to such inquiries including transmittal media used enroute from and to the Air Force Office Legislative Liaison (SAFLL).

Authority for maintenance of the system: 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by; and 10 USC 8032, general duties.

Routine uses of records maintained in the system including categories of users and the purpose of such use: Information pertinent to the inquiry is forwarded to SAFLL for preparation of the reply to the high-level requester. In some instances, response may be direct to the requester without referral through SAFLL; however, when required by directive, copies of such responses are furnished SAFLL. The records may be used in responding to subsequent inquiries concerning the same individual. The record system may be audited periodically to determine trends on the nature of complaints and questions and for statistical purposes.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Maintained in visible file binders/cabinets.

Retrievability: Filed by name.

Safeguards: Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms.

Retention and disposal: Retained for two years after end of year in which case was closed, then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

System manager(s) and address: Deputy Chief of Staff/Personnel, Headquarters United States Air Force; commanders of major air commands, numbered air forces or comparable level activities.

Notification procedures: Requests from individuals must contain reasonable particulars about the subject in question and should be addressed to the respective system manager.

Record access procedures: Individual can obtain assistance in gaining access from the respective system manager. Individual's request must contain reasonable identifying particulars about the subject in question.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories: Information provided by major command or consolidated base personnel office personnel, manual or automated personnel records, Air Force policies and procedures, copies of inquiries, congressional/high level officials'/constituents' comments or requests and Air Force replies thereto.

Systems exempted from certain provisions of the act: None.

F05101 OJ DOTA

System name: Flying Training Records—Nonstudent.

Insert: Before system F05101 OJ DOTB.

Reason: To combine and better describe as one system: F05001 OJ DOTA, Program Administration Records; F05002 OJ DOTD, Individual Academic Records; F05101 OJ DOTD, Flying Training Records; F05101 OJ DOTE, Flying Training Records; and F06005 OJ DOVA, Individual Flight and Aircrew Evaluation Records.

F05101 OJ DOTA

System name: Flying Training Records—Nonstudent.

Location: Columbus AFB, MS 39701, Craig AFB, AL 36701, Lackland AFB, TX 78236, Laughlin AFB, TX 78840, Mather AFB, CA 95655, Moody AFB, GA 31601, Randolph AFB, TX 78148, Reese AFB, TX 79489, Sheppart AFB, TX 79720, Williams AFB, AZ 85224, Webb AFB, TX 79720 and USAFA CO 80840.

Categories of individuals covered by the system: Aircrew personnel of Air Training Command, academic instructors in flying training courses and Trainer Instructors.

Categories of records in the system: Record and document aircrew training, evaluations, performance, accomplishments and taped radio transmissions.

Authority for maintenance of the system: 44 USC 3101, and Executive Order 9397, 22 Nov 1943.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Document the training, perfor-

mance, and qualifications of aircrew and synthetic trainer personnel. Taped radio communications are used to investigate aircraft accidents.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Maintained in file folders, computer printouts, and on magnetic tape.

Retrievability: Name, social security number, or other identifier such as class number, identification number, voice prints, etc.

Safeguards: Access by custodian of the record system, access by persons responsible for servicing the record system in performance of their official duties; access by authorized personnel who are properly screened.

Retention and disposal: Aircrew evaluation documents, training and qualification records on synthetic training instructors and academic instructors are maintained for the duration of an individual's assignment in Air Training Command. Out of date material is returned to the individual. Radio tapes are retained on file for one week unless circumstances dictate otherwise; initial training records are maintained for one year following completion of the training and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Deputy Chief of Staff Operations, Air Training Command, Randolph AFB, TX 78148.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information from source documents prepared by personnel administering training or evaluating performance; voice radio communications.

System exempted from certain provisions of the act: None.

F12001 DPX B

System name: Investigation/Complaint Files

Insert: Before system F12001 DPXSE B

F12001 DPX B

System name: Investigation/Complaint Files

System location: At Headquarters United States Air Force and at headquarters of major commands and all levels down to and including Air Force Installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Any individual specified in a formal complaint action.

Categories of records in the system: The records maintained provide circumstances of a Service member's allegation of discriminatory treatment and the results of any inquiry/investigation related to the allegation. Such complaints may originate as Congressional/White House inquiries, Inspector General complaints, letters to the Air Force or Office of the Secretary of Defense (OSD) authorities, or complaints presented through equal opportunity channels. Records are manual.

Authority for maintenance of the system: 10 USC 8012 and 8032.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use of investigation/complaint records is to provide information to commanders or complainants in the resolution of complainant's grievances. Principal purpose of the information is to document the circumstances and resolution of a particular allegation handled by Equal Opportunity personnel. All or a portion of the information contained in the files may be disclosed, upon request, to alleged discriminators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in visible file binders/cabinets.

Retrievability: Filed by name, by category.

Safeguards: Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and clearned for need-to-know. Records are stored in safes, locked cabinets or rooms.

Retention and disposal: Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Chief, Equal Opportunity, and Treatment Branch, Social Actions Division, Deputy Chief of Staff Personnel, HQ USAF; and Chief of Social Actions at major command headquarters down to and including Air Force installations.

Notification procedures: Requests from individuals should be addressed to Systems Manager at the appropriate level. Individuals should identify full name, military status, dates of service, unit of last or present assignment, Social Security Number (SSN), and type of record involved. For personal visits, the requester may present proof of identity to include full name from driver's license or military identification card.

Records access procedures: Individual can obtain assistance in gaining access from the Systems Manager. Requests for information regarding individual persons should identify full name, military status, dates of service, unit of last or present assigment, Social Security Number (SSN), and type of record involved. For personal visits, the requester may present proof of identity to include full name from driver's license or military identification card.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Records are manually compiled from complaints filed, Congressional correspondence, OSD correspondence and Chief of Staff, United States Air Force correspondence.

Systems exempted from certain provisions of the act: None.

F17607 DPM A

System name: Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records.

Insert: Before system F17607 DPMSOAB.

Reason: To combine and better describe as one system F17607 DPMSOAB, Air Force Open Mess Program; F17607 DPMSOBA, Aero Club Membership/Training Records; F21501 DPMSP A, Child Care Attendance Records; F21501 DPMSP B, Recreation Volunteer and Application Records; and F21501 DPMSP C, Interservice Photography Contest Entry Records.

F17607 DPM A

System name: Morale, Welfare, and Recreation (MWR) Participation/Membership/Training Records.

System location: At Air Force Military Personnel Center, Randolph AFB TX 78148; at major command headquarters; at all levels down to and including Air Force installations.

Categories of individuals covered by the system: Active duty and retired military members and their dependents; members of Reserve components while on inactive duty for training and DOD civilians and their dependents; certain other categories of individuals identified by authorized personnel who directly support Air Force mission requirements. Following additional categories apply for specific activities as indicated: Air Force Aero Clubs: Air Force, Army, or Naval Academy Cadets; military members of foreign governments on duty with the DOD; members elected to the US Congress or a statutory appointee of the Federal Government; Federal Government employees working on military installations and their dependents; unremarried spouses and children of deceased active duty or retired members of the US Armed Forces. Open Messes: Members of US Reserve components and federally recognized National Guard units; commissioned members of the American Red Cross, US Public Health Service, and the US Environmental Sciences Services Administration; employees of other Federal Government agencies working at the installation; contractor employees, technical representatives, and others who are authorized logistic support and work at the installation and where membership would be in the best interest of the base; retired Federal Government service civilian personnel (civil, foreign service, etc.) who were members at time of retirement.

Categories of records in the system: Volunteer, membership, attendance, training, and participation competition records and supporting data relative to Air Force MWR activities.

Authority for maintenance of the system: 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by; 44 USC 3101, Records management by agency heads: general duties; and Executive Order 9397, 23 November 1943, Number System for Accounts Relating to Individual Persons.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Determine membership/participation eligibility; maintain patron attendance; conduct contests; monitor training and currency of members; and serve as data base for designing and conducting various recreation programs. Utilized by personnel responsible for conducting Air Force MWR activities. May be provided to commercial or non-profit concerns conducting activities in support of, similar to, or in furtherance of, the Air Force programs involved. May be provided to any Department of Defense component or any part thereof and, upon request, to any other Federal, State, and local governmental agencies in the pursuit of their official duties. May also be used for other lawful purposes including law enforcement and/or litigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Filed by name and/or Social Security Number (SSN).

Safeguards: Records are maintained in secured buildings. Access is controlled by authorized personnel and limited to those requiring access in the performance of their duties.

Retention and disposal: Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning, or surrender to member upon termination, as applicable.

System manager(s) and address: Assistant Deputy Chief of Staff Personnel for Military Personnel (DPMSO), Randolph AFB, TX 78148.

Notification procedure: Request from individual should be addressed to the Chief, Morale, Welfare, and Recreation Division at the appropriate Air Force installation or the System Manager indicating the individual's full name and SSN.

Record access procedures: Individuals may contact the Chief, Morale, Welfare, and Recreation Division at the appropriate Air Force installation or the System Manager to exercise their rights under the Act. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned are contained in 32 CFR Part 806b.

Record source categories: Individual applications for membership/participation in MWR activities and offices of primarty responsibility for MWR activities.

Systems exempted from certain provisions of the act: None.

[FR Doc.77-36260 Filed 12-22-77;8:45 am]

[3810-71]

Department of the Navy (DON)

PRIVACY ACT OF 1974

Notice of System of Record Amendment

Agency: Department of the Navy, DoD.

Action: Notice of an amendment to a system of records.

Summary: The Navy proposes to amend an existing system of records subject to the Privacy Act of 1974. The specific change to the system being amended is set forth below followed by the system published in its entirety, as amended.

Dates: This system shall be amended as proposed without further notice in 30 calendar days from the date of this publication unless comments are received on or before January 21, 1978, which would result in a contrary determination.

Address: Send comments to the system manager identified in the record system notice.

For further information contact:

Captain Francis J. LaMotte, USN
Office of the Chief of Naval Operations
(OP-093), Department of the Navy
The Pentagon, Washington, D.C. 20350
(202-697-2330)

Supplementary information: The Department of the Navy systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(o) (Public Law 93-579) have been published in the Federal Register (FR Doc 77-28255) on September 28, 1977, at 42 FR 51229. The Navy proposes to amend a record system identified as N00062 LORR1130, entitled "Low Quality Recruiting Report (CNET Report 1130-1)" (42 FR 51281) by changing the system location. The proposed change to this system is not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976 which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter system of personal records as required by the Privacy Act. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

December 13, 1977.

Maurice W. Roche,
Director, Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

N00062 LORR1130

System name: Low Quality Recruiting Report (CNET Report 1130-1) 42 FR 51281, September 28, 1977.

Changes:

System location: Delete entire entry and substitute "Commander, Naval Recruiting Command, 4015 Wilson Blvd., Arlington, Va. 22203."

N00062 LORR1130

System name: Low Quality Recruiting Report (CNET Report 1130-1).

System location: Commander, Naval Recruiting Command, 4015 Wilson Blvd., Arlington, Va. 22203.

Categories of individuals covered by the system: Reports of enlisted performance.

Categories of records in the system: Reports of performance.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Navy Recruiting Command and the Chief of Naval Education and Training, Chief of Naval Technical Training, and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folder.

Retrievability: Random filing by submitting activity.

Safeguards: Maintained in locked safe in controlled building.

Retention and disposal: Two years.

System manager(s) and address: Commander Navy Recruiting Command.

Notification procedure: By individual request upon presentation of letter or identification. Must provide program and name.

Record access procedures: The agency's rules for access to records may be obtained from the System Manager.

Contesting record procedures: The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories: Service Record entries, Commanding Officers performance evaluations.

Systems exempted from certain provisions of the act: None.

[FR Doc.77-36226 Filed 12-22-77;8:45 am]

[3810-70]

Office of the Secretary of Defense

PRIVACY ACT OF 1974

New System of Records

Agency: Office of the Secretary of Defense, DoD.

Action: Notification of a New System of Records.

Summary: The Office of the Secretary of Defense (OSD), Department of Defense, proposes a new record system identified as DCOMP P34 entitled, "Non-Career Personnel Job Files". The record system is to provide the Presidential Personnel Office with timely reports on the progress of hiring for non-career positions. The record system notice is published in its entirety below.

Dates: This system shall become effective as proposed without further notice in 30 calendar days from the date of this publication unless comments are received on or before January 21, 1978, which would result in a contrary determination.

Address: Send comments to the system manager identified in the record system.

For further information contact: James S. Nash, Chief, Records Management Branch ODASD(A), The Pentagon, Washington, D.C. 20301, 202-695-0970.

Supplementary information: The OSD systems of records notices as precribed by the Privacy Act have been published in the Federal Register (FR Doc 77-28255) on September 28, 1977, at 42 FR 50730. The OSD submitted this proposed new system of records on November 7, 1977, pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal Agencies regarding the preparations and submissions of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 5 U.S.C. 552a(o) (Pub. L. 93-579). This OMB Guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

December 13, 1977.

Maurice W. Roche,
Director,
Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

DCOMP P34

System name: Non-Career Personnel Job Files

System location: Primary location—Directorate for Personnel, Office of the Secretary of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system: Information is collected concerning individuals employed by the Office of the Secretary of Defense who occupy non-career positions. Such information includes biographical information about these individuals. The following excepted positions are included: Non-Career Assignments (NEA's) and Schedule C appointments. Reports are made for all authorized positions whether encumbered or vacant; new positions created or eliminated; vacancies filled, and new vacancies.

Categories of records in the system: System contains the person's first and last name, date of appointment, date of initial appointment, date vacated, race, ethnic background, sex, year of birth, domicile, career status, mailing address, residence and business phones, whether the individual is a veteran or handicapped, and certain background information.

Authority for maintenance of the system: Executive Order 11478, "Equal Employment Opportunity in Federal Government," and a Presidential Memorandum dated July 27, 1977, "Non-Career Personnel Job File".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used to provide the Presidential Personnel Office with timely reports on the progress of hiring for non-career positions. Reports which includes information on all current positions and incumbents are submitted to the Director of Personnel, Office of the Secretary of Defense, for submission to the Presidential Personnel Office. A consolidated monthly report from the Office of the Secretary of Defense, and the Military Departments is forwarded by the 10th of the following month to the Presidential Personnel Office. Monthly reports include all changes since the previous report. Information in the Non-Career Personnel Job File is collected and maintained by the Office of the Secretary of Defense and transmitted solely to the Presidential Personnel Office.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Paper records in file folders and computer tapes.

Retrievability: Filed by organization, then by grade in descending order.

Safeguards: Records are maintained in locked file cabinets in areas accessible only to authorized personnel who are properly screened and trained.

Retention and disposal: Data is updated every month with personnel changes. Records are maintained permanently. System manager and address: Director of Personnel, Office of the Secretary of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure: Written request for information should be addressed to the System Manager. Valid proof of identity is required (e.g., building pass with photograph or temporary building pass and driver's license, or Social Security Number).

Record access procedures: Procedures for gaining access by an individual to his records may be obtained from the Office of the Director of Personnel, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: Area Code 202-697-3305.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories: Personnel files are compiled in the Office of the Director of Personnel, Office of the Secretary of Defense, with information that has been obtained from applicants and incumbents of non-career positions by DD Form 2087.

Systems exempted from certain provisions of the act: None.

[FR Doc.77-36225 Filed 12-22-77;8:45 am]

Department	Billing Code
Justice Department	4410-01
Labor Department:	
Employment and Training Administration	4510-30
Secretary (Administrative Law Judges)	4510-20
Secretary (Audit and Investment)	4510-21
Secretary (Office of Information)	4510-22
Secretary	4510-23
Labor Statistics	4510-24
OSHA (Standards)	4510-26
Employment Standards Administration	4510-27
International Labor Affairs Bureau	4510-28
Labor-Management Services Administration	4510-29
Legal Services Corporation	6820-35
Libraries and Information Science, National Commission	7527-01
Library of Congress	
Copyright Office	1410-03
Copyright Royalty Tribunal	1410-01
Management and Budget Office	3110-01
Marine Mammal Commission	6820-31
National Aeronautics and Space Administration	7510-01
National Capital Planning Commission	7520-01
National Center for Productivity and Quality of Working Life	3151-01
National Credit Union Administration	7535-01
National Endowment for the Humanities	7536-01
National Endowment for the Arts	7537-01
National Gallery of Art	7540-01
National Institute of Education	4110-39
National Labor Relations Board	7545-01
National Mediation Board	7550-01
National Science Foundation	7555-01
National Transportation Policy Safety Commission	6820-36
Navy Department:	
DCPA U 8	3810-01
Navy: Judge Advocate General	3810-71
Nuclear Regulatory Commission	7590-01
Occupational Safety and Health Review Commission	7600-01
Overseas Private Investment Corporation	3210-01
Panama Canal Company	3640-01
Pennsylvania Avenue Development Corporation	7630-01
Pension Benefit Guaranty Corporation	7708-01
Postal Rate Commission	7715-01
Postal Service	7710-12
President's Commission on Mental Health	6820-40
Railroad Retirement Board	7905-01
Railway Association, U.S.	8240-01
Renegotiation Board	7910-01
Science and Technology Policy, Office of	7555-02
Securities and Exchange Commission	8010-01
Selective Service System	8015-01
Small Business Administration	8025-01
Smithsonian Institution	8030-01
State Department	4710-01
Susquehanna River Basin Commission	7040-01
Technology Assessment, Office of	1630-01
Telecommunications Policy Office	3160-01
Tennessee Valley Authority	8120-01
Trade Negotiations, Special Representative for	3190-01
Transportation Department:	
Office of Secretary	4910-62
Federal Railroad Administration	4910-06
Federal Aviation Administration	4910-13
Coast Guard	4910-14
Federal Highway Administration	4910-22
Urban Mass Transportation Administration	4910-57
National Transportation Safety Board	4910-58
National Highway Traffic Safety Administration	4910-59
Materials Transportation Board	4910-60
St. Lawrence Seaway Development Corporation	4910-61
Treasury Department:	
Customs Service	4810-22
Administrative Programs	4810-25
Revenue Sharing	4810-28
Alcohol, Tobacco and Firearms	4810-31
Federal Law Enforcement Training Center	4810-32
Comptroller of the Currency	4810-33
Engraving and Printing	4810-34
Government Finance Operations	4810-35
Mint, Bureau	4810-37
Public Debt	4810-40
Secret Service	4810-42
Internal Revenue Service	4830-01
U.S. Information Agency	8230-01
Veterans Administration	8320-01
Water Resources Council	8410-01
White House Office	3195-01

If your agency's name does not appear above, GPO may not have received your printing and binding requisition (Standard Form 1). Your documents can not be printed in the FEDERAL REGISTER without a billing code.

INFORMATION AND ASSISTANCE: Mr. William Rose, 202-275-2867.

NEW BILLING PROCEDURES FOR AGENCIES

As part of the new billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	*Billing Code*
Action	6050-01
Administrative Conference of the United States	6110-01
Agency for International Development	4710-02
Agriculture Department:	
Secretary	3410-01
Agricultural Marketing Service	3410-02
Agricultural Research Service	3410-03
Agricultural Stabilization and Conservation Service	3410-05
Farmer Cooperative Service	3410-06
Farmer's Home Administration	3410-07
Federal Crop Insurance Corporation	3410-08
Extension Service	3410-09
Forest Service	3410-11
National Agricultural Library	3410-12
Rural Electrification Administration	3410-15
Soil Conservation Service	3410-16
Economic Research Service	3410-18
Statistical Reporting Service	3410-20
Cooperative State Research Service	3410-22
Food and Nutrition Service	3410-30
Rural Development Service	3410-32
Animal and Plant Health Inspection Service	3410-34
Economic Management Support Center	3410-35
Food Safety and Quality Service	3410-37
WFAO	3410-38
Office of Management and Finance	3410-90
Office of Automated Data Systems	3410-94
Office of Personnel	3410-96
Office of Operations	3410-98
Office of General Sales Manager	3410-21
Foreign Agricultural Service	3410-10
Air Force Department	3910-01
American Battle Monuments Commission	6120-01
Arms Control and Disarmament Agency	6820-32
Army Adjutant General Center	3710-08
Defense Communications	3610-05
Corps of Engineers/Civil Works	3710-92
Blind and Other Severely Handicapped Committee	6820-33
Civil Aeronautics Board	6320-01
Civil Rights Commission	6335-01
Civil Service Commission	6325-01
Commerce Department:	
Maritime Administration	3510-03
National Technical Information Service	3510-04
Bureau of Economic Analysis	3510-06
Census Bureau	3510-07
Coastal Plains Regional Commission	3510-36
U.S. Travel Service	3510-11
National Oceanic and Atmospheric Administration (National Marine Fisheries Service)	3510-22
National Oceanic and Atmospheric Administration (Coastal Zone Management)	3510-08
National Oceanic and Atmospheric Administration	3510-12
Standards, National Bureau	3510-13
Patents and Trademark Office	3510-16
Office of Secretary	3510-17
Office of Secretary	3510-18
Office of Secretary	3510-19
Economic Development Administration	3510-24
Domestic and International Business Administration	3510-25
National Fire-Prevention and Control Administration	3510-49
Telecommunications Office	3510-60
Commodity Futures Trading Commission	6351-01
Community Services Administration	6315-01
Consumer Product Safety Commission	6355-01
Cost Accounting Standards Board	1620-01
Defense Logistics Agency	3620-01
Delaware River Basin Commission	6360-01
Defense, Office of Secretary	3810-70
Economic Advisers Council	3120-01
Energy Research and Development Administration	6170-01
Environmental Protection Agency	6560-01
Environmental Quality Council	3125-01
Equal Employment Opportunity Commission	6570-06
Export-Import Bank of the United States	6690-01
Farm Credit Administration	6705-01

Department	*Billing Code*
Federal Communications Commission	6712-01
Federal Deposit Insurance Corporation	6714-01
Federal Election Commission	6715-01
Federal Energy Administration	3128-01
Federal Home Loan Bank Board	
General Counsel	6720-01
Mortgage Corporation	6720-02
Federal Maritime Commission	6730-01
Federal Mediation and Conciliation Service	6732-01
Federal Power Commission	6740-02
Federal Reserve System/Board of Governors	6210-01
Federal Trade Commission	6750-01
Fine Arts Commission	6330-01
Foreign Claims Settlement Commission	6770-01
General Accounting Office	1610-01
General Services Administration:	
OAD	6820-34
Administrative Management Division, Public Buildings Service	6820-22
Public Buildings Service	6820-23
Federal Supply Service	6820-24
Automated Data and Telecommunications Service	6820-25
NAA (all NARS except Office of the Federal Register)	6820-26
NARS (Office of the Federal Register)	6820-27
Office of Stockpile Disposal, Federal Preparedness Agency	6820-28
Executive Director, Federal Preparedness Agency	6820-29
Office of Personnel	6820-30
Office of Data Systems	6820-37
General Counsel	6820-38
Office of Finance	6820-39
Government Printing Office	1505-01
Harry S. Truman Scholarship Foundation	6115-02
Health, Education and Welfare Department:	
Office of Education (EA)	4110-89
Office of Education (EECS)	4110-02
Food and Drug Administration	4110-03
National Institutes of Health	4110-08
Health Resources Administration	4110-83
Health Services Administration	4110-84
Institute of Museum Services	4110-24
Office of Assistant Secretary for Health	4110-85
Center for Disease Control	4110-86
Center for Disease Control/National Institute for Occupational Safety and Health	4110-87
Alcohol, Drug Abuse and Mental Health Administration	4110-88
Social Security Administration	4110-07
Health Care Financing Administration	4110-35
Secretary	4110-12
Housing and Urban Development Department	4210-01
Indian Claims Commission	7030-01
Inter-American Foundation	7025-01
Intergovernmental Relations, Advisory Commission	6115-01
Interior Department:	
Office of Secretary	4310-10
Indian Affairs Bureau	4310-02
Outdoor Recreation Bureau	4310-03
Surface Mining, Office of	4310-05
Reclamation Bureau	4310-09
Bonneville Power Administration	4310-11
Solicitor	4310-17
Geological Survey	4310-31
Mines Bureau	4310-53
Fish and Wildlife Service	4310-55
National Park Service	4310-70
Land Management Bureau	4310-84
Water Research and Technology Office	4310-49
Mine Enforcement and Safety Administration	4310-68
Alaska Power Administration	4310-37
Southwestern Power Administration	4310-47
Southeastern Power Administration	4310-76
International Broadcasting, Board for	6155-01
International Trade Commission	7020-02
Interstate Commerce Commission	7035-01

(Continued on inside back cover)