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MONDAY, JANUARY 16, 1978



highlights

SUNSHINE ACT MEETINGS 2272

ENDANGERED AND THREATENED WILDLIFE

Interior/FWS proposes to designate the African elephant as endangered species,comments by 3-20-78 2193

ALCOHOLIC BEVERAGES

Treasury/ATF proposes to require warning labels regarding the consumption of alcohol by pregnant women 2186

MEDICARE, MEDICAID, MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDRENS SERVICES

HEW/HCFA sets forth policies for disclosure of information acquired by Professional Standards Review Organizations (PSROs); effective 1-16-78, (Part II of this issue) 2282

AID TO FAMILIES WITH DEPENDENT CHILDREN

HEW/SSA/OCSE implements standards which State and local welfare agencies shall determine whether a recipient or applicant has good cause for refusing to cooperate in establishing paternity and securing child support (2 documents); effective 3-17-78, comments by 6-15-78 ..... 2170, 2178

AREAWIDE HOUSING OPPORTUNITY PLANS

HUD sets forth requirements and procedures for approval and awarding of contracts of special allocations of contract authority (effective 2-15-78); and gives closing date of 3-31-78 for submission of requests (Part VI of this issue) (2 documents) .. 2358, 2370

HUD/CPD informs public of availability of Community Development Block Grant and Comprehensive Planning Assistance (701) Program Funds (Part VI of this issue) 2356

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

DOT/NHTSA proposes to amend regulations concerning vehicle identification number, comments by 4-17-78 2189

HAZARDOUS MATERIALS TRANSPORTATION

DOT/MTB amends safety requirements for railroad pressure tank cars; effective 1-16-78 2180

HUMAN SERUM ALBUMIN

NRC adds a new reagent kit to its lists of authorized radioactive drugs, reagent kits, and procedures; effective 1-16-78 2167

RADIOACTIVE WASTES

EPA announces public forum on Environmental Protection Criteria to be held 3-30 through 4-1-78 2223

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.

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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

EFFECTS OF COAL UTILIZATION

HEW/Secy reports on the health and environmental effects of increased production and use, comments by 4–17–78 ..... **2229**

ANTIDUMPING

Treasury/Secy notifies the public that certain polyvinyl chloride sheet and film from the Republic of China are being sold at less than fair value, 1–16–78 ..... **2254**

UNITED STATES EXPORTS TO THE SOVIET UNION

ITC institutes an investigation relating to past trends, recent developments, and future prospects, comments by 3–1–78 .... **2244**

MEETINGS—

Advisory Council on Historic Preservation, 2–1 and 2–2–78. **2197**
Commerce/Secy: Voluntary Consumer Product Information Labeling Program (CPILP), 1–23–78 ..... **2204**
DOD/Navy: Chief of Naval Operations Executive Panel Advisory Committee, 2–1 and 2–2–78 ..... **2205**
Secy: President's Commission on Military Compensation, 2–2, 2–16, and 3–2–78 (3 documents) **2205**
DOT/CG: Rules of the Road Advisory Committee, 2–15 and 2–16–78 ..... **2253**
Interior/NPS: General Management Plan for Everglades National Park, 1–24–78 ..... **2240**
Appalachian National Scenic Trail Advisory Council, 2–4–78 ..... **2240**
Justice/NIC: National Institute of Corrections Advisory Board 2–6–78 ..... **2244**
NRC: Generic Requirements for Light Water Nuclear Power Plant Fire Protection, 1–26–78 ..... **2250**

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/HCFA **2282**
Part III, HUD/FIA **2286**
Part IV, DOT/FAA **2302**
Part V, DOT/FAA **2330**
Part VI, HUD **2356**
Part VII, DOT/CG **2372**

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

CPSC—Consumer Patching Compounds and Artificial Emberizing Materials containing respirable free-form asbestos 63354; 12–15–77

FCC—Standard, FM, and television broadcast stations; multiple ownership 62918; 12–14–77

FM broadcast stations; table of assignments: Gordonville, Mo 62138; 12–9–78

DOT/CG—Integral diesel fuel tanks on small passenger vessels 63175; 12–15–77

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
- Afghanistan, Mission Director; contracting functions 2251
- Egypt, Mission Director; contracting functions 2252
- Jordan, AID Representative; contracting functions 2252
- Morocco, Mission Director; contracting functions 2252
- Syria, AID Representative, et al.; contracting functions 2251
- Tunisia, Mission Director; contracting functions 2251
- Yemen, Mission Director; contracting functions 2252

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Prunes, dried, grown in Calif 2182

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Soil Conservation Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Proposed Rules

Beverages, alcoholic; warning labels; inquiry 2186

CHILD SUPPORT ENFORCEMENT OFFICE

Rules

State plan requirements:
- Paternity establishment or support collection, caretaker relatives, good cause for refusal to cooperate 2178

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Pan American World Airways, Inc., et al 2199
- Primeras Lineas Uruguayas De Navegacion Aerea 2202
- Singapore Airlines, Ltd 2202

CIVIL SERVICE COMMISSION

Rules

Excepted service:
- Housing and Urban Development Department 2167

COAST GUARD

Rules

Districts, marine inspection zones, and captain of port areas:
- Second and Eighth Districts; boundary realignment 2372

Navigation areas, regulated:
- Apra Outer Harbor, Guam; correction 2170
- Safety zones, establishment; correction 2170

Notices

Meetings:
- Rules of the Road Advisory Committee 2253

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Economic Analysis Bureau; Economic Development Administration; National Oceanic and Atmospheric Administration.

Notices

Meetings:
- Consumer product information labeling, voluntary 2204

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Notices

Areawide housing opportunity plans, approved; special allocations; availability of grant and funds 2370

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules

Christmas tree lights, miniature; safety standards; extension of time 2185

CUSTOMS SERVICE

Notices

Instruments of international traffic:
- Tray units, plastic, for transporting bobbins 2253

DEFENSE DEPARTMENT

See also Navy Department.

Notices

Meetings:
- Military Compensation, President's Commission (3 documents) 2205

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Watches and watch movements assembled in U.S. insular possessions; codification of quota rules; correction 2169

ECONOMIC ANALYSIS BUREAU

Rules

Direct investment surveys; correction 2169

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
- Air Baby, Inc., et al 2203

ECONOMIC REGULATORY ADMINISTRATION

Notices

Power rates and charges:
- Hanford Generating Project, Bonneville Power Administration 2206
- Laurel Project, Southeastern Power Administration 2206

ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Notices

Radioactive wastes, environmental protection criteria for, forum 2223

FARMERS HOME ADMINISTRATION

Notices

Disaster and emergency areas:
- Kentucky 2197
- North Carolina 2197

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
- Mitsubishi 2168
- Piper 2168

Airworthiness review program; flight characteristics, manuals, etc 2302

Proposed Rules

Restricted areas 2183
Transition areas 2182

Notices

Advisory circular checklist and status of FAA regulations 2330

FEDERAL COMMUNICATIONS COMMISSION

Notices

Satellite communications services; applications accepted for filing 2226
TV broadcast applications ready and available for processing 2226

Hearings, etc.:
- Andromeda Broadcasting System, Inc 2223

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
- Alabama Power Co 2207
- Baca Gas Gathering System, Inc 2211
- Blue Dolphin Pipe Line Co 2211
- Connecticut Light & Power Co. (2 documents) 2212
- Consolidated Gas Supply Corp. (2 documents) 2212, 2213
- Ford Motor Co 2214
- Michigan Power Co 2207
- Michigan Wisconsin Pipe Line Co 2214
- Missouri Edison Co 2215
- Natural Gas Pipeline Co. of America 2216

Northern Natural Gas Co 2216
Pacific Alaska LNG Co. et al .. 2216
Pacific Power & Light Co..... 2208
Sea Robin Pipeline Co. (2 documents) 2217
Standard Pacific Gas Line Inc 2209
Stingray Pipeline Co 2218
Superior Water, Light & Power Co..... 2210
Tenneco, Inc 2218
Tennessee Gas Pipeline Co. (3 documents) 2218, 2219
Texas Eastern Transmission Corp 2219
Texas Eastern Transmission Corp. et al 2219
Texas Gas Exploration Corp. et al 2220
Thermalito & Table Mountain Irrigation Districts 2221
Transcontinental Gas Pipe Line Corp. (2 documents)..... 2211, 2221
Trunkline Gas Co 2222
West Penn Power Co..... 2222

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Notices

Areawide housing opportunity plans, approved; special allocations; acceptance of requests 2370

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National:
Flood elevation determinations, etc. (28 documents) 2286-2300

FEDERAL MARITIME COMMISSION

Notices

Organization and functions:
Managing Director; authority to issue orders to favored carriers 2227

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Bankshares of Nebraska, Inc., et al 2227
First State Holding Co. of Elkhart 2227
Sebeka Bancshares, Inc..... 2227

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
Elephant, African 2193

HEALTH CARE FINANCING ADMINISTRATION

Rules

Professional standards review organizations:
Information, confidentiality and disclosure..... 2282

Notices

Professional Standards Review Organizations; nominations, designations, etc.:
Arizona 2228
North Carolina 2228
Ohio 2228
Pennsylvania 2228
Virginia 2229

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Child Support Enforcement Office; Health Care Financing Administration; Social Security Administration.

Notices

Advisory committees; report availability:
Health and Environment Committee 2229

HISTORIC PRESERVATION, ADVISORY COUNCIL

Notices

Meetings 2197

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary; Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration.

Rules

Low-income housing:
Application review for housing assistance; areawide housing opportunity plans .. 2356

INTERIOR DEPARTMENT

See Fish and Wildlife Service; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Corporations, controlled; correction 2169

Notices

Authority delegations:
Facilities Management Division, Director..... 2253

INTERNATIONAL TRADE COMMISSION

Notices

Competition conditions study; domestic and foreign steel products, western U.S. market; investigation and hearings 2244
Exports to Soviet Union, United States; trends, developments and prospects; investigation.... 2244

INTERSTATE COMMERCE COMMISSION

Notices

Meetings:
Norfolk & Western Railroad Co. et al 2256
Motor carriers:
Temporary authority applications (2 documents).....2257, 2261
Transfer proceedings 2256
Railroad services abandonment:
Oregon-Washington Railroad & Navigation Co. et al 2255

JUSTICE DEPARTMENT

See Prisons Bureau.

MATERIALS TRANSPORTATION BUREAU

Rules

Shippers; specifications for pressure tank car tanks 2180

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rules

Motor vehicle safety standards:
Identification numbers 2189

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Endangered species permits; applications 2204
Marine mammal permit applications, etc.:
Minnesota Zoological Garden, National Marine Fisheries ... 2204

NATIONAL PARK SERVICE

Proposed Rules

Minerals management; extension of time 2188

Notices

Boundary establishment, descriptions, etc.:
Indiana Dunes National Lakeshore, Ind 2240
Environmental statements; availability, etc.:
Everglades National Park, Fla.; meeting..... 2240
Meetings:
Appalachian National Scenic Trail Advisory Council 2240

NAVY DEPARTMENT

Rules

Personnel:
Correction of Naval Records Board; decision availability . 2169

Notices

Meetings:
CNO Executive Panel Advisory Committee 2205

NUCLEAR REGULATORY COMMISSION

Rules

Byproduct material, human uses:
Medical uses, group licensing . 2167

Radiation protection standards:
Caution signs, labels, etc.; correction 2167

Notices

Export of high enriched uranium to certain European countries, inquiry; correction 2250
Meetings:
Generic Requirements for Light Water Nuclear Power Plant Fire Protection..... 2250
Regulatory guides; issuance and availability 2248
Standard review plan, updating; issuance and availability..... 2248
Applications, etc.:
Baltimore Gas & Electric Co . 2244
Carolina Power & Light Co 2245
Consumers Power Co 2245
Dairyland Power Cooperative 2245
Florida Power & Light Co..... 2246
Georgia Power Co 2246
Maine Yankee Atomic Power Co 2247
Omaha Public Power District. 2247
Portland General Electric Co 2247
South Carolina Electric & Gas Co. et al 2248
Southern California Edison Co. et al 2249
Vermont Yankee Nuclear Power Corp.; correction..... 2244
Washington Public Power Supply System 2249
Wisconsin Public Service Corp 2249

PRISONS BUREAU

Notices

Meetings:
National Institute of Corrections Advisory Board 2244

RENEGOTIATION BOARD

Proposed Rules

Business by segments, renegotiable; analysis 2187

Notices

Segmentation anaylsis, Administrative Letter No. 75-15; revoked 2250

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
First Washington Capital Corp 2250
Disaster areas:
Washington..... 2251

SOCIAL SECURITY ADMINISTRATION

Rules

Child support enforcement program; good cause for refusal to cooperate 2170

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
ADA Municipal Airport Critical Area Treatment RC&D Measure, Okla 2197
East Jordan Harbor RC&D Measure, Mich..... 2198
Hungry Hall RC&D Measure, S.C 2198
Oliver Recreation Facilities, Public Water-Based Recreation RC&D Measure, Nebr .. 2198
Onaway Area Community Schools RC&D Measure, Mich 2199
Sunset Coffee Mill Flood Prevention RC&D Measure, Hawaii..... 2199

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

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

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service.

Notices

Antidumping:
Polyvinyl chloride sheet and film from Republic of China 2254

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.

5 CFR

213 2167

7 CFR

PROPOSED RULES:

993 2182

10 CFR

20 2167
35 2167

14 CFR

1 2316
21 2316
23 2317
25 2320
27 2324
29 2326
39 (2 documents) 2168
91 2328
121 2328

PROPOSED RULES:

71 (2 documents) 2182, 2183
73 2183

15 CFR

303 2169
806 2169

16 CFR

PROPOSED RULES:

Ch. II 2185

24 CFR

891 2356
1917 (28 documents) 2286-2300

26 CFR

1 2169

27 CFR

PROPOSED RULES:

4 2186
5 2186
7 2186

32 CFR

723 2169

PROPOSED RULES:

1460 2187
1469 2187

33 CFR

3 2372
128 2170
165 2170

36 CFR

PROPOSED RULES:

9 2188

42 CFR

476 2282

45 CFR

232 2170
302 2178

49 CFR

179 2180

PROPOSED RULES:

571 2189

50 CFR

PROPOSED RULES:

17 2193

CUMULATIVE LIST OF PARTS AFFECTED DURING JANUARY

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 January.

1 CFR

Ch. I 1

3 CFR

EXECUTIVE ORDERS:

10866 (Revoked by EO 12033) 1915
10943 (Revoked by EO 12033) 1915
12033 1915
12034 1917

PROCLAMATIONS:

4544 1919

5 CFR

213 1471-2167
1474, 1921, 1922
511 1473
534 1473

PROPOSED RULES:

300 1506

7 CFR

2 1289
16 969
215 1059
271 ..... 1611, 1922
301 1924

7 CFR—Continued

725 1
795 1929
907 ..... 753, 969, 1785
910 ..... 970, 1060
928 1785
929 1474
959 1475
967 1475
1430 1061
1435 1476
1468 2
1472 3
1488 1786
1955 1290
1980 1291
2871 3

PROPOSED RULES:

210 1955
760 1958
915 974
945 1096
980 1098
993 2182
1001 779
1464 1351
1701 ..... 11, 12, 1098
1823 1098

9 CFR

73 1062
113 1478
114 1479

PROPOSED RULES:

92 1506
94 1962
317 1099
381 1099

10 CFR

0 1929
9 10
20 2167
35 2167
51 970
Ch. II 1613
205 ..... 1479, 1930
211 1291

12 CFR

204 1615
511 1786

PROPOSED RULES:

7 1800

13 CFR

101 3
124 1489

PROPOSED RULES:

121 12

14 CFR

1 2316
21 2316
23 2317
25 2320
27 2324
29 2326
39 .. 3, 4, 949, 950, 1293-1301, 1786, 2168
71 ..... 5, 6, 951-953, 1303, 1304, 1787
91 2328
93 6
95 1304
97 1787
121 ..... 1789, 2328
221 1322
298 1489
302 1323
385 1616

PROPOSED RULES:

39 ..... 13, 974, 975, 1352-1355, 1801
71 ..... 1802, 2182, 2183
73 2183
75 1802
97 1803

15 CFR

Ch. III 7
301 7
303 ..... 753, 2169
806 2169

16 CFR

0 753
3 754
4 ..... 754, 1937
195 ..... 954, 1790

PROPOSED RULES:

4 ..... 779, 1804
13 1506
1303 1804
Ch. II 2185

17 CFR

1 1323
200 755
210 1063
240 1327

PROPOSED RULES:

210 878

18 CFR

PROPOSED RULES:

2 1509
154 1509

19 CFR

153 954
159 ..... 955, 956, 1790
174 1937

PROPOSED RULES:

6 1963
24 1806
153 ..... 1099, 1356-1358

20 CFR

404 1938
416 1938

PROPOSED RULES:

404 1964
416 1964

21 CFR

Ch. I 1940
25 1940
73 1490
177 1941
178 1941
444 1941
514 1941
520 1941
522 1941
540 8
556 1942
558 1942
606 2142
640 2142
813 1940

PROPOSED RULES:

146 1509
182 1509
184 1509
186 1509
310 1966
333 1210
343 1100
511 1100
558 1966
740 ..... 1101, 1966
800 1106
801 1106

22 CFR

51 1791

23 CFR

630 1490
640 1328
642 1328

24 CFR

300 1791
570 1602
891 2356
1917 ..... 2062-2082, 2286-2300

PROPOSED RULES:

570 1610

26 CFR

1 ..... 1064, 2169
11 1064

PROPOSED RULES:

1 976
20 976

27 CFR

PROPOSED RULES:

4 2186
5 2186
7 2186

28 CFR

0 1066
43 1066

PROPOSED RULES:

50 1506

29 CFR

1 1942
4 1491
94 2150
97 2150
2615 1334

PROPOSED RULES:

1607 1506
2605 1358
2608 1358

30 CFR

50 1617

PROPOSED RULES:

11 979
70 979
71 979
91 979
211 781

31 CFR

500 1335
515 1336

32 CFR

166 1617
230 1066
505 1336
656 1792
723 2169
816 1070
861 1070
865 1619
983 1070
984 1070

PROPOSED RULES:

832 980
1460 2187
1469 2187

32A CFR

Ch. VI 8

33 CFR

3 ..... 1056, 2372
117 ..... 956-958, 1336-1338
128 2170
165 2170
203 1434

PROPOSED RULES:

117 ..... 981, 982, 1363

36 CFR

7 1792

PROPOSED RULES:

7 779
9 2188
223 1628

37 CFR

201 ..... 771, 958
202 ..... 763, 964, 965
203 774
204 774

38 CFR

PROPOSED RULES:

1 1628
2 1635

39 CFR

111 1619

PROPOSED RULES:

111 1966

40 CFR

3 1338
20 1339
35 ..... 1493, 1598
52 ..... 10, 755, 1070, 1341, 1793
60 ..... 10, 1494
61 10
180 ..... 1795, 1796
205 1796
220 1071
227 1071
228 1071
249 1872
458 1341

PROPOSED RULES:

52 ..... 4, 1967
86 1108
124 1256
180 15

41 CFR

5A-1 1347
5A-2 1347
5A-16 1348
5A-72 1348
5A-73 1348
5A-76 1350
15-1 967
15-3 1797
105-61 1798
114-26 761

PROPOSED RULES:

60-3 1506

42 CFR

5 1586
66 1498
122 1253
476 2282
478 854

PROPOSED RULES:

81 1968
405 780
449 780
450 780

43 CFR

20 1072

PROPOSED RULES:

4100 1108

45 CFR

46 1758
85 2132
100a 1762
232 2170
302 2178

PROPOSED RULES:

16 1968
46 1050
128 1862
137 1865
139 1868
185 ..... 1968, 1969
1351 1363
1606 20
1622 1807
1623 19

46 CFR

188 967
251 1621
280 8
310 9
350 1943

PROPOSED RULES:

283 1363

47 CFR

21 1498
73 1499-1503
74 1943
78 1943
81 1623
83 1623
87 1504
94 1624

PROPOSED RULES:

73 1510-1516

49 CFR

172 970
179 2180
255 1091
266 858

49 CFR—Continued

1006 972
1011 1091
1036 1954
1102 1799
1125 1692
1127 1715
1131 1625
1201 1732
1033 ..... 762, 971, 1092
1056 762
1059 972
1201 1799
1240 1799
1241 1799
1243 1799
1308 972

PROPOSED RULES:

171 1369
173 ..... 983, 369
174 983
177 983
178 983
266 1108
391 16
392 ..... 20, 1809
395 ..... 20, 21
523 1370
533 1370
571 2189
1057 1109
1200 1370
1201 1371
1206 1371
1241 1375
1331 1809

50 CFR

17 ..... 968, 2193
20 ..... 1093, 1799
21 968
216 ..... 1093, 1627
260 1094
402 870
651 777

PROPOSED RULES:

17 .....
601 1460
602 1460
603 1460
652 21

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1-751	Jan. 3
753-947	4
949-1057	5
1059-1287	6
1289-1469	9
1471-1610	10
1611-1783	11
1785-1913	12
1915-2166	13
2167-2373	16

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.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following three positions are excepted from the competitive service under Schedule C because they are confidential in nature: one Special Assistant to the Deputy Assistant Secretary for Regulatory Functions, one Special Assistant for Neighborhood Concerns, and one Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384 (l), (5), (6), and (7) are added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(l) *Office of the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection.* * * *

* * * * *

(5) One Special Assistant to the Deputy Assistant Secretary for Regulatory Functions.

(6) One Special Assistant for Neighborhood Concerns.

(7) One Special Assistant to the Deputy Assistant Secretary for Neighborhood and Consumer Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-1307 Filed 1-13-78; 8:45 am]

[1505-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Caution Signs, Labels, Signals, and Controls

Correction

In FR Doc. 77-36867 appearing at page 64619 in the issue for Tuesday, December 27, 1977, in the 11th line of § 20.203(c)(6)(i) on page 64620, the word "impossible" should have read "possible".

[7590-01]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to add a new reagent kit to its lists of authorized radioactive drugs, reagent kits, and procedures. The amendment adds to these lists a kit for preparation of technetium-99m labeled human serum albumin. This radiopharmaceutical may be used for heart blood pool imaging.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia C. Vacca, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone: 301-427-4232.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rule making that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices and uses as they are developed. The Food and Drug Administration (FDA) has recently approved a "New Drug Application" for technetium-99m as human serum albumin for heart blood pool imaging and this procedure is hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. Paragraph (c)(3) of § 35.100 is amended by changing the period at the end of paragraph (ix) to a semicolon, and adding a new paragraph (c)(3)(x) to read as follows:

§ 35.100 Schedule A—Groups of Medical Uses of Byproduct Material.

* * * * *

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

* * * * *

(3) Reagent kits for preparation of technetium-99m labeled;

* * * * *

(x) Human serum albumin for heart blood pool imaging.

Effective date: These amendments become effective on January 16, 1978.

(Secs. 81, 161b, Pub. L. 83-703, as amended, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201).)

(Sec. 201, Pub. L. 93-438, as amended, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK
Executive Director for Operations.

[FR Doc. 78-1227 Filed 1-13-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17540; Amdt. 39-3125]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Heavy Industries Model MU-2B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Mitsubishi Heavy Industries Model MU-2B airplanes by changing the applicability section to relieve operators of certain modified airplanes from compliance with the AD. Compliance is not necessary for airplanes incorporating the specified modification.

EFFECTIVE DATE: January 30, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service recommendation may be obtained from: Mitsubishi Heavy Industries, Ltd., 5-1, Marunouchi 2-chrome, Chiyoda-ku, Tokyo 100, Japan.

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

FOR FURTHER INFORMATION CONTACT:

G. Nakagawa, Chief, Engineering and Manufacturing District Office, Pacific-Asia Region, P.O. Box 4009, Honolulu, Hawaii 96813, telephone 808-546-8650.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-1844 (39 FR 16876), AD 74-11-01, as amended by Amendment 39-1859 (39 FR 19203), which requires repetitive checks prior to the first takeoff each day for cracks and distortions in the front windshields on Mitsubishi MU-2B airplanes. The FAA has determined that if the modification covered in Mitsubishi Service Recommendation No. 027, dated September 12, 1974, is incorporated, compliance with the AD is unnecessary. Therefore, the AD is being amended to relieve operators of airplanes modified in accordance with the service recommendation from compliance with the AD.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are G. Nakagawa, Pacific-Asia Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-1844 (39 FR 16876), AD 74-11-01, as amended by amendment 39-1859 (39 FR 19203) by revising the applicability statement to read as follows:

MITSUBISHI HEAVY INDUSTRIES, LTD. Applies to Mitsubishi Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-30, and MU-2B-35 airplanes except those airplanes modified in accordance with Mitsubishi Service Recommendation No. 027 dated September 12, 1974, or an FAA-approved equivalent.

This amendment becomes effective January 30, 1978.

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

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

Issued in Washington, D.C., on January 5, 1978.

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

[FR Doc. 78-943 Filed 1-13-78; 8:45 am]

[4910-13]

[Docket No. 77-EA-67; Amdt. 39-3124]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) is applicable to Piper PA-31T type airplanes. The rule requires an inspection of the main landing gear actuating cylinder rod end bearing assembly and replacement of hollow shank rods, if found, with solid shank rods. The hollow rods, due to quality control error, had been installed contrary to the aircraft type design.

EFFECTIVE DATE: January 18, 1978.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 11745. 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:

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

SUPPLEMENTARY INFORMATION: There have been reports of the inadvertent substitution of hollow shank rods in lieu of solid rods by the supplier of the rod end bearing assemblies. Since this defect can exist in other aircraft of similar type and the defect can cause failure of the assembly when subjected to retraction or extension loads, a rule (AD) is being issued requiring an inspection and replacement of the part when necessary. In view of the effect on air safety, notice or public procedure hereon are impractical and good cause exists for making the rule (AD) effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are K. Tunjian, 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 AIRCRAFT CORP. Applies to model PA-31T airplanes, serial numbers 31T-7400002 through 31T-7720040, certificated in all categories. Compliance required within the next fifty hours in service after the effective date of this AD, unless already accomplished.

(a) To preclude possible failure of the main landing gear actuating cylinder rod end bearing assemblies, accomplish the inspection and replacement where required, described in the "Instruction" portion of Piper Aircraft Corp. Service Bulletin No. 570, dated June 22, 1977.

(b) Equivalent alterations or methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the compliance time specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Effective Date: This amendment is effective January 18, 1978.

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

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

Issued in Jamaica, N.Y., on January 4, 1978.

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

[FR Doc. 78-944 Filed 1-13-78; 8:45 am]

[1505-01]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE[1]

PART 303—WATCHES AND WATCH MOVEMENTS

Codification of Watch Quota Rules; Correction

Correction

In FR Doc. 77-37302 appearing at page 65141 in the issue for Friday, December 30, 1977, under the "Supplementary Information" paragraph, the item marked "3." should have read as follows: "Section 303.8(b) (page 62910) should be changed by substituting a comma for the period after "year" (line 6) and by inserting a comma after "ownership" (line 8)."

[1505-01]

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS

PART 806—DIRECT INVESTMENT SURVEYS

Correction

In FR Doc. 77-36367 appearing at page 64314 in the issue for Thursday, December 22, 1977, make the following changes:

(1) On page 64318, first column, in § 806.14(b), the line appearing 4 lines from the top of the first column should have read "* * * in the same country when the following conditions apply:".

(2) On the same page, column three, in the 5th and 6th lines of § 806.14(g)(1)(iii), "* * * filed for 1978 * * *" should have read "* * * filed for 1977 * * *".

(3) On page 64319, first column, in the 5th and 6th lines of § 806.15(d)(2), the words "The number and title of each report form, its ex-" should be deleted.

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX
[T.D. 7528]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain controlled corporations; correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction.

SUMMARY: This document contains corrections to a previously published Treasury decision in order to correct a number in a section heading and to complete the text of two sentences that were only partially printed.

EFFECTIVE DATE: The regulations are effective for taxable years which include December 31, 1974 and certain other taxable years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Robert Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3328 (not a toll-free call).

BACKGROUND

On December 28, 1977, the FEDERAL REGISTER published (42 FR 64690) T.D. 7528 entitled Certain Controlled Corporations (26 CFR Part 1). The amendments were made necessary by statutory changes.

NEED FOR CORRECTION

The full text of T.D. 7528 appears at 42 FR 64690. The text contains errors in Par. 3 in the second column on page 64694 and in paragraph (b) of § 1.1561-1A on page 64698.

DRAFTING INFORMATION

The principal author of these corrections was Robert Waltuch of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

CORRECTION OF FINAL REGULATIONS

Accordingly, FR Doc. 77-36813 (42 FR 64690) is amended as follows:

1. In Par. 3 on page 64694, "§ 1.801-2" is deleted and "§ 1.804-2" is inserted in lieu thereof, and the words "taxable years beginning before January 1, 1975)." are inserted immediately after the word "for" in the last line of paragraph (d)(1)(iv) of § 1.804-2 on page 64694.

2. The word "transcumstances" in lines 13 and 14 of paragraph (b) of § 1.1561-1A on page 64698 is deleted and the phrase "transferred to such corporation under the circumstances" is inserted in lieu thereof.

Dated: January 6, 1978.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc. 78-1172 Filed 1-13-78; 8:45 am]

[3810-71]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS

Miscellaneous Amendments

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Procedures of the Board for Correction of Naval Records are amended pursuant to commitments made in a recent District Court case. These amendments specify the location and mailing address of the reading room where Board decisions and documents are available for public inspection and copying.

EFFECTIVE DATE: November 28, 1977.

ADDRESS: Applications for correction of naval records, written comments, or any other correspondence with the Board should be addressed to: Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

FOR FURTHER INFORMATION CONTACT:

John E. Corcoran, Jr., Executive Secretary, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370, Telephone number 202-694-1671.

SUPPLEMENTARY INFORMATION: Under the authority of 10 U.S.C. 1552, the Secretary of the Navy amends 32 CFR Part 723. Part 723 is the codification of the Department of the Navy's

[1] Editorial Note: Chapter III will be formally renamed at a future date to "Industry and Trade Administration, Department of Commerce".

"Procedures of the Board of Correction of Naval Records" (NAVSO P-473), which was established to review naval records pursuant to 10 U.S.C. 1552. These amendments reflect changes to the NAVSO P-473 adopted on November 28, 1977, which basically set forth in greater detail the location and mailing address of the reading room where Board decisions and documents are available for public inspection and copying. Since these minor changes were adopted to more fully comply with the Stipulation of Dismissal in the case of *Urban Law Institute of Antioch College, Inc., et al., v. Secretary of Defense, et al.*, Civil Action No. 76-0530 (U.S.D.C., D.C., approved January 31, 1977), it has been determined by the Department of the Navy that invitation for public comment on these amendments prior to adoption would be unnecessary and impracticable, and is therefore not required under the public rulemaking provisions in parts 296 and 701 of 32 CFR. However, interested persons are invited, on a continuing basis, to comment in writing on these amendments and any other provisions contained in part 723. All written material received will be considered before taking action on any future amendments or revisions of this part or the regulations upon which it is based, and they may be changed in light of comments received.

Accordingly, Part 723 of 32 CFR is amended as follows:

§ 723.3 [Amended]

1. In paragraph (e)(7) of § 723.3 the phrase "a designated reading room in the Washington, D.C. metropolitan area" is changed to "the Armed Forces Discharge Review/Correction Boards Reading Room, located on the Concourse of The Pentagon Building, Washington, D.C."

2. In paragraph (e)(1) of § 723.11, the phrase, "a reading room within the Washington, D.C. metropolitan area" is changed to "the Armed Forces Discharge Review/Correction Boards Reading Room located on the Concourse of The Pentagon Building, Washington, D.C."

3. Section 723.11 is further amended by revising paragraph (e)(2) as follows:

§ 723.11 Miscellaneous.

* * * * *

(e) * * *

(2) All documents made available for public inspection and copying shall be indexed in a usable and concise form so as to enable the public to identify those case similar in issue together with the circumstances under and/or reasons for which the Board and/or Secretary of the Navy have granted or denied relief. The index shall be published quarterly and shall be available for public inspection and distribution by sale at the reading room located on the Concourse of The Pentagon Building, Washington, D.C. Inquiries concerning the index or the reading room may be addressed to the Armed Forces Discharge Review/Correction Boards Reading Room, The Pentagon Concourse, Washington, D.C. 20301.

(10 U.S.C. 1552.)

Dated: January 10, 1978.

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

[FR Doc. 78-1027 Filed 1-13-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-281]

PART 128—REGULATED NAVIGATION AREAS

Apra Outer Harbor, Guam; Amendment; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the effective date of CGD 74-281. (FR Doc. 77-36151 published at 42 FR 63641, December 19, 1977.)

FOR FURTHER INFORMATION CONTACT:

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

The following correction is made: 1. On page 63642, first column, of the FEDERAL REGISTER dated December 19, 1977 the effective date should read "January 18, 1978".

Dated January 9, 1978.

G. H. PATRICK BURSLEY,
Rear Admiral, U.S. Coast Guard, Chairman, Marine Safety Council.

[FR Doc. 78-1195 Filed 1-13-78; 8:45 am]

[4910-14]

[CGD 75-205]

PART 165—SAFETY ZONES

Procedures for Establishing Safety Zones, Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the effective date of CGD 75-205. (FR Doc. 77-35759 published at 42 FR 63368, December 15, 1977.)

FOR FURTHER INFORMATION CONTACT:

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

The following correction is made: 1. On page 63368, first column, of the FEDERAL REGISTER dated December 15, 1977 the effective date should read "January 16, 1978".

Dated: January 9, 1978.

G. H. PATRICK BURSLEY,
Rear Admiral U.S. Coast Guard, Chairman, Marine Safety Council.

[FR Doc. 78-1197 Filed 1-13-78; 8:45 am]

[4110-07]

Title 45—Public Welfare

CHAPTER II—ASSISTANCE PROGRAMS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 232—SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A OF THE SOCIAL SECURITY ACT

Good Cause for Refusing to Cooperate

AGENCY: Social Security Administration, HEW.

ACTION: Final regulation with comment period.

SUMMARY: These amendments implement a statutory requirement that the secretary specify standards under which State and local welfare agencies shall determine whether an applicant or recipient of Aid to Families with Dependent Children (AFDC) has good cause for refusing to cooperate in establishing paternity and securing child support.

Although cooperation is required as a condition of eligibility for AFDC, these amendments provide for waiver of that condition when such cooperation would not be in the best interests of the child unless the welfare agency determines that child support enforcement activities can be safely conducted without the cooperation of applicants or recipients of assistance.

DATES: *Effective date.* This amendment becomes effective on March 17, 1978.

Comment period. Consideration will be given to written comments or suggestions received on or before June 15, 1978.

Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, in room 2323 of the Department's offices at 330 C Street SW., Washington, D.C. 20201, on Monday through Friday of each week

from 8:30 a.m. to 5:00 p.m. (Telephone 202-472-4510).

ADDRESS: Address comments to: Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 23256, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT:

Steve Henigson, 202-472-4510.

SUPPLEMENTARY INFORMATION: *Statutory basis.* Section 208 of Pub. L. 94-88, enacted August 1, 1975, amended section 402(a)(26) of the Social Security Act, which requires that each applicant or recipient must cooperate in establishing paternity and securing support as a condition for eligibility for assistance under the AFDC program (title IV-A). Section 402(a)(26) as amended reads as follows (amendatory language underlined):

402(a)(26) "(B) to cooperate with the State (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child, unless (in either case) such applicant or recipient is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the child on whose behalf aid is claimed; * * *

In addition, section 208 of Pub. L. 94-88 amended the title IV-D State plan requirements that the State establish paternity and secure support to provide for the good cause exception. Those requirements, as amended, read as follows (amendatory language *underlined*):

454(4) "(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a)(26) of this title is effective, to establish the paternity of such child *unless the agency administering the plan of the State under Part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26) that it is against the best interests of the child to do so,* and

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support) * * * *(unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so)* * *"

Public participation. Interested persons were afforded an opportunity to participate in the development of these amendments by a Notice of Proposed Rulemaking published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34299), and due consideration has been given to all comments received in response to the Notice.

We received approximately 1,700 responses to the Notice from private citizens, State and local welfare and child support agencies, District Attorneys, Friends of the Court, legal services organizations, advocate groups and others.

Approximately 1,500 comments were from private citizens who responded primarily to various newspaper accounts of the proposed rule change. Over 90 percent of these objected to the proposed change. The most common reasons given were that the proposal would create a loophole in the Child Support Enforcement program; that it would tend to encourage irresponsibility on the part of both parents; and that it would result in an increased burden on the taxpayer. Of those who commented in support of the proposal, many were mothers currently receiving AFDC who did not want to participate in the child support enforcement process. Several comments came from social workers in the welfare system who felt that mothers should never be forced to cooperate in establishing paternity and obtaining child support, especially in cases where the mother has been threatened with harm.

The remainder of the comments presented a wide divergence of opinion regarding the proposed regulations. In general the State and local welfare and child support agencies, District Attorneys, and Friends of the Court—the agencies directly involved in the enforcement of support—criticized the proposal as placing an unreasonable burden on the child support enforcement process. On the other hand, the legal services organization and advocate groups criticized the proposed regulation as not going far enough to insure that harm to the child or caretaker would not result from the child support enforcement process.

The Center on Social Welfare Policy and Law representing the National Welfare Right Organization (NWRO) submitted an extensive comment critical of the proposal. At their request, the Department met with representatives of the Center and NWRO on November 11. At that meeting their objections to the proposal were amplified and discussed.

One of the very few comments that supported the regulation as it was proposed was in the form of a resolution adopted by the House of Delegates of the American Bar Association (ABA) upon the recommendation of the Section of Family Law. The Section's purpose is "To promote the object of the American Bar Association by improving the administration of justice in the field of family law * * *." The ABA urged HEW to adopt "regulations substantially similar to those proposed * * *"

As a result of comments received the Department has made a number of substantive changes in the final regulation. These changes and the basis for them are discussed in detail below. Other substantive comments that did not result in changes are also discussed.

Definition of good cause. The statutory language requires the good cause determination to be made in accordance with standards the Secretary is to adopt which "shall take into consideration the best interests of the child on whose behalf aid is claimed." From this language it is clear that the Secretary's standards for determining good cause must, as a minimum, take into consideration the best interests of the child.

The Department also considered whether other factors, not directly related to the child's best interest, should also be included in the standards to be considered in making the good cause determination. The position adopted by the Department, as most closely reflecting the statutory language, is that the "best interests of the child" is the only statutorily authorized basis for excusing cooperation, and that each standard will be based solely on that consideration. Therefore each standard adopted by the Department reflects the "best interests of the child." The Department did not adopt any standard that was the result of weighing the "best interests of the child" and then rejecting those interests in favor of stronger competing considerations. However, it is also clear that many different and competing considerations may be in the child's best interests.

Best interests of the child. The NWRO comment argued that the phrase "best interests of the child" has a "commonly understood legal meaning in this country," and is also a technical term of art. The Department can find no legal support for the proposition that Congress used the phrase "best interests of the child" in any special technical or legal sense; or, in fact, that, in Federal law the phrase is a legal term with a commonly understood legal meaning. "Best interests of the child" is widely used to express criteria which form the basis upon which State courts make decisions concerning questions of child custody and adoption. In these situations, a court weigths several competing considerations and bases its decision regarding placement of the child on the court's perception of the "child's best interests." As used by Congress, the phrase does not express a standard, but rather is provided as an overriding consideration for the Secretary's standards for determining whether good cause exists.

It is the Department's position that "best interests of the child" refers to

all factors which affect the child's well-being. The primary "best interests" considerations, and the ones considered by the Department in developing standards for determining good cause, are the child's physical, emotional and financial well-being. The Secretary's standards consider these interests and would excuse cooperation where the physical or emotional harm resulting from activities necessary to establish paternity or enforce support surpass the physical, emotional and financial benefits derived from those activities.

It is the Department's position, as we believe it was Congress' intent, that, in the vast majority of cases involving paternity establishment and support enforcement under title IV-D, the benefits that the child derives from such activities insure that they are in his best interests. When Congress enacted title IV-D and established the requirement for cooperating, it considered the benefits to the child from receiving support from his non-custodial parent, and the benefits of having his paternity established. These benefits include, among others, the rights to inheritance, Social Security and Veteran's benefits. The legislative history of the good cause exception to the cooperation requirement makes it clear that Congress intended that cooperation be excused only in those relatively few cases where potential harm exceeds those benefits.

Best interests of the caretaker relative. The standards adopted by the Department are concerned solely with the child's best interests. However, it is clear that the best interests of the parent or caretaker relative are relevant to the child's best interest determination when an adverse impact on the parent or caretaker will have an adverse impact upon the child. Clearly, the physical safety and well-being of the parent or caretaker relative is in the best interests of the child. The final regulation provides that if cooperation by the mother in establishing paternity or securing support would subject her to physical or emotional harm, such cooperation would be against the child's best interests if such harm to the mother is sufficiently severe to affect her ability to care for the child adequately.

Case-by-case determination. The Department's standards require that the State determine the best interests of the individual child in every case where good cause is asserted. The standards do not excuse whole classes or groups where cooperation potentially might not be in the child's best interests. Several comments questioned this position, especially as it applies to the establishment of paternity in cases of rape and incest. The comments indicated that the establishment of paternity in cases of rape or incest should be *per se* against the best interests of every child and should always be good cause for the caretaker's non-cooperation. The Department's position is based on the legislative history of section 208. It clearly requires that the Secretary's standards excuse cooperation when it would not be in the best interests of a specific child in a particular situation.

The final regulation at § 232.13(e)(1) provides that when the State or local agency finds that establishing paternity or securing support is likely to result in physical or emotional harm to the particular child for whom support is sought, or his mother or caretaker relative to the extent that it affects her ability to care for the child adequately, such activities would be against that child's best interests and a good cause determination must be made.

The regulation at § 232.13(e)(2) provides that the State or local agency may also make a determination that good cause exists if one of the enumerated circumstances (rape, incest, adoption, etc.) is shown to exist, and the State or local agency finds that because of the existence of that circumstance, in a particular case, requiring cooperation would not be in the particular child's best interests. The Department recognizes that the existence of the circumstance will, in most cases, probably be against the best interests of the child. However, a case-by-case evaluation of the impact of the circumstance on the particular child is necessary to fulfill Congress' intent that the good cause exception be applied on an individual basis. In a few cases it can be anticipated that the activities associated with establishing the child's paternity and securing support will not result in any additional adverse impact on the child.

Non-denial or delay of aid pending a good cause determination. The NPRM contained a provision that the State or local agency would not deny, delay, or discontinue assistance pending the agency's final good cause determination if the applicant or recipient had complied with the requirement to provide evidence or information. One comment from a State agency objected to that "aid pending" provision. That comment indicated a belief that an applicant or recipient would make a frivolous claim of good cause and then delay or prolong the State's investigation and determination processes in an effort to continue receiving a full AFDC grant for as long as possible. Four legal service organizations, on the other hand, objected to the proposed "aid pending" provision as being too restrictive.

Under the proposed regulation, to receive "aid pending" the applicant must either provide the evidence required to establish the good cause circumstance or provide sufficient information to enable the State agency to investigate the good cause claim. The legal aid organizations argued that an applicant or recipient may need considerable time to obtain the evidence required, and ought not be forced to provide information to the State agency (in lieu of evidence) in order to obtain the aid pending.

The Department believes that, under the title IV-A fair hearing regulations (45 CFR 205.10) and the *Goldberg* v. *Kelly* decision, the provision of assistance, until a final "good cause" determination is made, is legally required with respect to those already receiving assistance. If an AFDC recipient claims to have good cause for refusing to cooperate, she would be entitled to a fair hearing before her needs are removed from the grant. (See 45 CFR 205.10(a)(5).) Therefore, with respect to recipients, this regulation merely applies existing legal requirements to the specific non-cooperation situation.

With respect to applicants for AFDC, the regulation reflects HEW's long standing policy requiring States to furnish assistance promptly and without any appreciable delay attributable to the State agency's administrative processes (See 45 CFR 206.10). Except where the State title IV-A plan provides for presumptive eligibility, each applicant must establish that he or she has met the minimum eligibility conditions prior to the granting of aid.

The National Welfare Rights Organization (NWRO) pointed out that the proposed regulation contained no requirement that the State agency assist the applicant to obtain the needed documentary evidence. They recommended "that applicants be provided (a) assistance in learning the procedures to be used to obtain the required document from each relevant agency or institution; (b) the necessary fees and other cost attendant upon requesting documents; and (c) assistance of agency staff in procuring documents for the claimant, when such assistance is requested." NWRO was concerned that the applicant be able to obtain assistance in obtaining the required documentary evidence without disclosing the identifying information about the absent parent. The final regulation has been amended (§ 232.13(f)) to require that the agency assist the applicant upon request in obtaining the needed evidence.

Applicability of the "Good Cause" exception. Many comments evidence a misunderstanding of the applicability of the good cause exception to the cooperation requirement. They understood the policy to apply only to children born out of wedlock and either commented from that premise or recommended that it be extended to le-

gitimate children who are abandoned or deserted. The requirement that the caretaker must cooperate and the good cause exception apply equally to cases where paternity must be established and cases that require only child support collection services. The regulation at 45 CFR 232.13(a) provides that "An applicant for, or recipient of, AFDC will have the opportunity to claim good cause for refusing to cooperate as required by § 232.12." The regulation at § 232.12(a) makes clear that the cooperation requirement extends to identifying and locating absent parents, establishing paternity and obtaining support.

Assignment and prompt notice. The good cause exception applies only to excuse the cooperation requirement. The requirement that the applicant or recipient assign support rights to the State as a condition for AFDC eligibility cannot be waived or excused based on a good cause determination. The assignment requirement is independent from the cooperation requirement and is not affected by a good cause determination.

Several Legal Service Organizations and NWRO pointed out that if the prompt notice was provided by the IV-A agency prior to the applicant or recipient's claim of good cause, the IV-D agency could be proceeding against the absent parent at the same time the IV-A agency is making a good cause determination. To avoid this situation, the final regulation contains a provision (§ 232.13(i)(1)) which requires the IV-A agency to promptly notify the IV-D agency when good cause is claimed in any case for which prompt notice has already been furnished. The final regulation also adds a new requirement that IV-A promptly notify the IV-D agency of a final determination that good cause does not exist. The corresponding Title IV-D regulation (45 CFR 302.31(b)) prohibits the IV-D agency from proceeding with enforcement until notified by IV-A of the final determination.

Responsibility for determination. The regulation places the responsibility for investigating and making determinations on good cause upon the title IV-A (Cash Assistance) agency rather than the title IV-D (Child Support Enforcement) agency.

This aspect of the regulation was widely criticized by the State and local welfare agencies and the IV-D agencies that commented. The State and local welfare agencies were concerned with the added burden that making good cause determinations would place on their limited staff. They felt this activity ought to be subject to the higher rate of Federal financial participation available for the title IV-D program activities.

The comments from those responsible for carrying out the child support enforcement activities were concerned that the AFDC worker was not the proper person to conduct the required investigations and make the complex and often difficult decisions involved in a good cause determination.

The Department had no discretion in placing responsibility for this function. The statute makes the requirement that an applicant or recipient cooperate in establishing paternity and collecting child support a title IV-A eligibility condition. Therefore, the determination of whether or not good cause exists for refusing to cooperate must be made by the title IV-A agency. However, HEW regulations do not prohibit the IV-A agency from involving the IV-D agency in the good cause determination process. For example, the IV-A agency could utilize the IV-D agency to conduct investigations of good cause claims. However, in such a case, the IV-D agency could only report the results of its investigation and make a recommendation to the IV-A agency. The ultimate good cause determination must be the responsibility of the IV-A agency.

It should also be noted that since this activity is a title IV-A activity, costs incurred by the IV-D agency on behalf of the IV-A agency would be reimbursable at the 50 percent rate under the State's title IV-A plan.

Due to the concern expressed by many commenters, the final regulations add a provision (§ 232.12(h)) which requires the IV-A agency to provide the IV-D agency opportunity: (1) to review and make recommendations on the IV-A agency's findings and basis for good cause determination; and (2) to participate in any fair hearing that results from the good cause determination. The hearing regulations (45 CFR 205.10) are being recodified and will include a conforming amendment.

Enforcement without the caretaker's cooperation. The proposed rule required that after making a determination that the caretaker had good cause for not cooperating, the IV-A agency must also make a determination of whether support enforcement activities could be safely conducted by the IV-D agency without the caretaker's cooperation. Several comments suggested that enforcement activities never should be undertaken without the caretaker's cooperation. Concern was expressed that this provision would jeopardize the protection that the law and regulations intended to provide. This view was based on the belief that the putative or absent parent would not distinguish between an action brought with the caretaker's cooperation and one brought solely on the initiative of IV-D agency.

Other comments expressed the contrasting view, and argued that even if the caretaker is required to cooperate, the absent parent would direct any blame or hostility at the court, District Attorney or welfare agencies rather than the caretaker. The ABA Resolution recommended that the regulations permit state agencies "to enforce support duties and determine paternity of a child without the cooperation of the caretaker relative where such cooperation is excused, when it would still be in the long range best interests of the child, and the child's welfare would not be endangered."

After careful consideration the Department decided to retain this provision. The requirement that the IV-A agency make a determination whether enforcement activities can be undertaken without the caretaker's cooperation is based on the Department's belief that there could be circumstances where cooperation is determined to be against the child's best interest, and yet enforcement activities are possible without the caretaker's cooperation and without endangering the child's best interests. The determination to allow the IV-D agency to proceed without caretaker cooperation must be made by the IV-A agency. The fact that this determination must be made by the same agency that determined that the caretaker's cooperation might endanger the child provides a safeguard against any capricious decision that enforcement can be undertaken without endangering the child.

Substantial danger and undue harassment. The proposed rule provided that it is against the child's best interests if "the applicant or recipient's cooperation in establishing paternity and securing support is likely to result in substantial danger, physical harm, or undue harassment to the child or the caretaker relative with whom the child is living." Many comments pointed out that "substantial danger" and "undue harassment" required very specific definition. Several comments recommended that they be deleted entirely as being too vague.

These terms are not used in the final regulation. The circumstances which they were intended to cover are adequately covered by physical harm and the addition of emotional harm as a good cause circumstance. The final regulation requires an examination of the probable consequences (i.e., physical or emotional harm) and avoids the necessity of trying to make general rules defining how much harassment is acceptable.

"Likely to result in". Several comments objected to use of the standard, "likely to result in". Some felt that this meant there must be a high probability that the harm would occur. Others felt that only a 51 percent chance was required. The Department in the NPRM did not use this phrase as a technical burden of proof but

rather as a largely subjective test to be applied by the State or local IV-A agency in light of the circumstances in the individual case. The final regulation clarifies this by deleting "likely" and substituting the test of whether physical or emotional harm is "reasonably anticipated to result" from enforcement activities.

Evidence requirement. The evidence requirement (§ 232.13(f)) elicited many comments and was the most frequently attacked by the legal services organizations. Objection was made to the fact that oral or written testimony of the caretaker and substantiating testimony of friends and neighbors is not allowed. Several comments recommended that a finding of good cause based on rape or incest not be dependent on documentary evidence, because of likelihood that these events were not reported to law enforcement authorities. Others recommended that the regulations allow or require the IV-A agency to consider any pertinent and trustworthy evidence.

After reviewing the comments, the Department believes that the proposed evidence requirements provide the required balance between the goal of establishing paternity and securing support and the need to assure that the best interests of the child are protected when necessary. Congress' clear intent was that the good cause exemption from cooperation be reserved for the relatively few cases where cooperation could clearly be shown not to be in the child's best interests. Under the regulation, the IV-A agency may make a good cause determination without conducting an investigation only if the caretaker relative meets the relatively difficult burden of establishing the existence of good cause by presenting the types of documentary evidence listed at § 232.13(f). However, the regulation allows the IV-A agency to make such a determination, after investigating the circumstances surrounding the claim of good cause, on the basis of confirming information which the agency obtains. That information could include interviews with or statements from the caretaker or friends or neighbors of the caretaker. The regulation leaves the nature and scope of its investigation to agency discretion and merely requires that the good cause circumstances be confirmed by that investigation. In brief, without agency investigation the caretaker must meet the strict evidence requirements. With investigation by IV-A agency, any reasonable evidence that substantiates the claim of good cause may be considered. In cases of rape or incest that cannot be documented in accord with the strict evidence requirements, the claim must be investigated by the IV-A agency and a determination made based on that investigation. The Department believes that this requirement is both reasonable and necessary to prevent spurious good cause determinations.

Several legal services organizations recommended that final regulations preclude the IV-A agency from contacting the absent parent directly as part of their investigation process. They believe that such contact will subject the caretaker or child to the very harm that the good cause exception is designed to prevent. The Department believes that, in limited circumstances, the absent parent may be a valid source in the State's investigation but the final regulations prohibit contact with the absent parent unless the State or local agency determines that such contact is necessary for a good cause determination. Also, prior to contacting the absent parent, the agency must notify the applicant or recipient and allow her the opportunity to present additional evidence or other information to establish good cause or to withdraw her application.

Commenters also objected to the provision that authorizes the Department to determine that other evidence is acceptable (45 CFR 232.13(f)(1)(vi)). Fear was expressed that the Department would authorize other evidence on a case-by-case basis or impose a new requirement after the fact. In the final regulation this section has been amended to make clear that a determination of additional acceptable evidence will be made only by formal issuances from the Department to all States. The Department believes that this section provides the needed flexibility to respond if, in practice, the evidentiary requirements prove inadequate.

The final regulation (45 CFR 232.13(f)(1)(vi)) has also been amended to permit the introduction of medical and other records to establish the criterion of emotional harm.

Termination of rights and relinquishment. There were several objections to the inclusion of termination of parental rights and relinquishment of, or plans to relinquish the child, as circumstances against the best interests of the child. The comments pointed out that: (1) planning to relinquish is too vague and open-ended and; (2) a parent who has relinquished rights to the child, or has had his rights terminated by a court, would not be eligible for AFDC and the question of cooperating would not arise.

The Department agrees that the proposed provisions were in error. The parent would either be ineligible for assistance, or if eligibility were based on another child, the parent could not be required to cooperate with respect to a child for whom the parent is not requesting or receiving assistance. Legitimate cases of "planning to relinquish" are covered by the language "currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption." All references to these circumstances have been deleted from the final regulations.

Prima facie case. Several comments questioned the provision in the NPRM which would excuse cooperation if the evidence supplied by the applicant or recipient established a prima facie case. Questions were raised as to the legal definition of "prima facie" and whether the regulations intended that the welfare agency make its decision according to legal definition of that term. In order to avoid confusion over legal terminology, the phrase "prima facie case" has been deleted. It is the intent of the regulation that the State or local agency have authority to determine whether, in its opinion, the evidence provided by the caretaker supports a determination of good cause on the basis of one or more of the circumstances listed in § 232.13(e). If the agency is satisfied that the evidence establishes good cause, it may make its determination without further inquiry. If the agency is not satisfied, it must conduct an investigation and base its decision either solely on the results of the investigation or on a combination of the investigation and the evidence supplied by the applicant or recipient.

Emotional harm. The Department is concerned that States administer this program so that physical injury does not result to any child or caretaker. This was clearly the overriding concern of Congress when it provided that cooperation may be excused when there is a finding of good cause, as determined by the State, in accordance with standards promulgated by the Secretary, which standards shall take into consideration the best interests of the child. Congress expected that cooperation would be excused in relatively few cases, and it is expected that most of these cases will involve the threat of physical harm. However, Congress and the Department recognize that good cause might be found for reasons other than physical harm. For this reason, the Notice specifically requested comment on whether there were other circumstances in which it would be against the best interests of the child to require cooperation. Several commentors recommended that danger of emotional, psychological, or mental harm be included as a good cause circumstance. A comment from the President of the American Academy of Child Psychiatry also urged that an emotional harm standard be adopted.

To assist the Department in deciding whether to add a standard relating to emotional harm, a panel of experts on child welfare and child and adult mental health from within the De-

partment was convened. Represented were the Public Services Administration and the Office of Planning, Research and Evaluation of the Social and Rehabilitation Service; the Center for Studies of Child and Family Mental Health and the Assistant Director for Children and Youth of the National Institute of Mental Health; the National Institute of Child Health and Human Development of the National Institute of Health; and the Office of Child Development of the Office of Human Development.

The panel was asked to address two major issues: (1) under what circumstances would the mother's cooperation result in emotional or psychological harm to the child to the extent it would be against the best interests of the child; and (2) under what circumstances would the caretaker's cooperation result in emotional or psychological harm to her to the extent it would be against the best interests of the child. After much discussion, the general conclusion was that due to the purely subjective nature of emotional harm no definitive answers could be given. However, an approach for dealing with emotional harm was suggested, and that approach has been adopted in the final regulations.

Basically the regulation recognizes that the ultimate decision of whether emotional harm may result from the applicant or recipent's cooperation in a particular case, just as in the case of physical harm, must be placed upon the State or local agency responsible for the good cause determinations.

To make a good cause determination based on physical harm, the agency must make an assessment of the character and behavior of the father. In cases of emotional harm the determination is even more subjective since it is as much dependent upon the emotional make up and character of the child or mother as on the behavior of the father. Because of this added complexity, the panel suggested several relevant factors that should be taken into consideration in making good cause determinations based on emotional harm. The regulation at § 232.13(g) specifies that the agency must document that it considered the present emotional state and emotional health history of the individual, intensity and probable duration of the emotional upset, the degree of cooperation to be required, and the extent of the child's involvement in the activities to be undertaken by the State. These factors are not intended to limit or control the agency's consideration; they are merely elements that must be examined in making the good cause determination. The panel generally considered the age of the child not to be a particularly relevant factor, since emotional harm may occur regardless of age.

The panel was deeply concerned with the qualifications of the agency staff to undertake determination based on likelihood of emotional harm. Many States commented that they lacked adequately trained staff to undertake good cause determinations under the proposed rule. The Department recognizes that the addition of the emotional harm standard will magnify this problem. The only solution offered was that, whenever possible, claims of good cause based on emotional harm be evaluated by a mental health professional. If possible, referral to a mental health clinic would be appropriate. Note that the evidence requirement provides for the acceptance of written mental health diagnoses and prognoses.

The NWRO comment identified several other types of harm such as "impairment of stable relationship with 'psychological' parent" and "shielding the child from knowledge of the father." After a careful analysis of the situations and examples presented by NWRO, the Department believes that these types of harm are adequately covered by the emotional harm standard. The harm that could result to a particular child from learning the identity of his father or that he is illegitimate would be emotional harm. The same is true in the case of harm resulting from the "impairment of a stable relationship with a 'psychological' parent."

NWRO contends that it may frequently be inimical to the best interests of the child or the mother to recreate "ties" with the absent parent. The Department finds little or no basis for the proposition that cooperation by the caretaker is likely to establish a continuing relationship or "ties" with the absent parent. If such a situation should arise, any harm that might occur would be again emotional harm to the child or mother and could be considered in relation to the emotional harm standard.

The Department believes that the impact on the child resulting from paternity establishment and support enforcement activities will be minimal or nonexistent. In many cases these activities will be conducted while the child is an infant. Even if the child is older, the mother or caretaker will, with rare exceptions, be able to keep the identity of the father from the child.

It is the expectation of the Department that in most cases where cooperation is excused, it will be because of the potential of physical harm to the child or caretaker relative. However, in view of the legislative history and comments received, this final regulation provides an emotional harm standard. The Department expects that States will use this exception only in those few cases where it is clearly warranted.

Notice requirement. Three State agencies objected to the requirement that an applicant be given notice of her right to assert good cause prior to the agency's attempt to obtain her cooperation. These agencies felt that this would merely encourage an applicant to put forth a spurious claim of good cause to avoid cooperation. On the other hand, five legal services organizations approved of the notice requirement but recommended that it be broadened to include specific notice on extent of the cooperation to be required, the types of circumstances that will have to be shown, and the kinds of evidence necessary to establish a claim of good cause.

The final regulation at § 232.13(b) specifies that the State or local agency must, prior to requiring cooperation, provide notice that the applicant or recipient's cooperation will be excused if she is determined to have good cause for not cooperating. Further, the State is required to give the applicant or recipient information as to what will be required of her to support a good cause determination, the circumstances that must be shown and the allowable evidence.

The Department believes that this notice will insure that every child is afforded the protection the good cause exception is intended to provide. It will prevent a situation where the child might be harmed because his mother did not know she could be excused from the cooperation requirement under certain circumstances or did not have enough information to make an informed decision whether to claim good cause.

Application. The NWRO comment raises the issue of whether HEW can require the mother to make a formal claim that she should be excused from cooperating or whether the State agency must make that determination in each case, even without such a formal application, based on its own determination that good cause does or does not exist. The final regulations require that the process for determining good cause be initiated by the applicant or recipient.

The Department believes that the parent or caretaker relative, after being given the notice required by the regulation, is in the best position to raise any questions as to whether her cooperation would be in the best interests of the child. To require the State to make a good cause determination in every case would necessitate the expenditure of substantial amounts of its limited resources and would greatly increase the administrative costs of the program. To place such a requirement on the States would be unreasonable, especially since the legislative history is clear that Congress envisioned that most applicants and recipients would cooperate in establishing paternity

and securing support, and that cooperation should be excused in only a small minority of cases.

Several comments recommended that the Department require that a written application for exemption from cooperation be obtained from the caretaker so that misrepresentation or willful withholding could be treated like other welfare fraud. Others recommended that a sworn statement under penalty of perjury be taken from the caretaker specifying why cooperation would not be in the child's best interests. The Department decided not to mandate such procedures. The cooperation requirement is an AFDC eligibility condition, and the States are free to include an assertion that cooperation would not be in the child's best interests as part of the written application required by 45 CFR 206.10(a)(1)(ii). Further, States are free to accept an affidavit from the caretaker as part of their investigation or determination process.

Infringement on duties imposed by State law. Several District Attorneys expressed concern that the welfare agency, by making a finding that the caretaker has good cause for not cooperating, will be able to effectively prevent them from meeting their responsibility, under State law, to establish the paternity of children born out-of-wedlock and to enforce court ordered support obligations. The Department does not believe that the statute nor these regulations preempt or obstruct the discretion of a public law enforcement official in carrying out his statutorily mandated functions. The preamble to the companion title IV-D regulation discusses this point further.

Recordkeeping. Several State and county agencies objected to the recordkeeping required by the proposed regulation. It was suggested that the Department limit reporting to the number of cases claiming good cause, and the number determined to have good cause. The Department believes that it has a duty to monitor and document the action taken under this regulation. Requiring the States to keep records insures that the Department will be able to obtain the accurate information necessary to evaluate the effectiveness of the good cause exceptions established by this regulation and make changes if necessary.

Non-substantive amendments. The final regulations contain many editorial, technical and clarifying changes in organization and language. This was done to conform with the Departmental goal of clear, readable regulations. This preamble meets with the new FEDERAL REGISTER format requirements.

Companion regulation. A companion regulation published today (43 FR 2178) by the Office of Child Support Enforcement (OCSE) amends 45 CFR 302.31 to require that the title IV-D agency not attempt to establish paternity or secure support in any case in which the IV-A agency has determined that the caretaker has good cause for refusing to cooperate unless the IV-A agency also determines that child support enforcement by the IV-D agency may proceed because these activities can be safely conducted by the IV-D agency without the caretaker's cooperation.

Comments. This regulation is final, but comments will be accepted for a period of 90 days after its effective date.

The Department believes such an additional comment period is advisable for several reasons. (1) The NPRM generated much public interest and many comments. (2) Although the final regulation is responsive to many of those comments and suggestions, there has been no opportunity for public input regarding the changes from NPRM. (3) The additional comment period will provide the Department with the opportunity to evaluate the effect of the implementation of this regulation and to amend it if necessary.

Effective Date. Section 208(d) of Pub. L. 94-88 requires these regulations to be submitted to Congress 60 days prior to their effective date. Therefore, this regulation becomes effective March 17, 1978. States are free to implement them sooner if they so desire.

Accordingly, after considering all the comments, the proposed regulations, as modified, are adopted.

45 CFR Part 232 is amended by revising § 232.12 and adding a new § 232.13 to read as follows:

Sec.

232.1 Scope.
232.2 Child support program; State plan requirements.
232.10 Furnishing of social security numbers.
232.11 Assignment of rights to support.
232.12 Cooperation in obtaining support.
232.13 Good cause for refusing to cooperate.
232.20 Treatment of child support collections made in the Child Support Enforcement Program as income and resources in the Title IV-A Program.
232.30 Cost allocation; joint staff and service staff.

§ 232.12 Cooperation in obtaining support.

The State plan must meet all requirements of this section.

(a) The plan shall provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with § 232.13 of this chapter) with the State in:

(1) Identifying and locating the parent of a child for whom aid is claimed;

(2) Establishing the paternity of a child born out of wedlock for whom aid is claimed;

(3) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

(4) Obtaining any other payments or property due the applicant or recipient or the child.

(b) The plan shall specify that *cooperate* includes any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in paragraph (a) of this section.

(1) Appearing at an office of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient;

(2) Appearing as a witness at judicial or other hearings or proceedings;

(3) Providing information, or attesting to the lack of information, under penalty of perjury; and

(4) Paying to the child support agency any child support payments received from the absent parent after an assignment under § 232.11 has been made.

(c) The plan shall provide that, if the child support agency notifies the State or local agency of evidence of failure to cooperate, the State or local agency will act upon that information to enforce the eligibility requirements of this section.

(d) The plan shall provide that, if the caretaker relative fails to cooperate as required by paragraphs (a) and (b) of this section, the State or local agency will:

(1) Deny assistance to the caretaker relative without regard to other eligibility factors; and

(2) Provide assistance to the eligible child in the form of protective payments as described in § 234.60 of this chapter. Such assistance will be determined without regard to the needs of the caretaker relative.

§ 232.13 Good cause for refusing to cooperate.

The State plan must meet all requirements of this section.

(a) *Opportunity to claim good cause.* The plan shall provide that an applicant for, or recipient of, AFDC will have the opportunity to claim good cause for refusing to cooperate as required by § 232.12 of this chapter;

(b) *Notice to applicant or recipient.* The plan shall provide that, prior to requiring cooperation under § 232.12 of this chapter, the State or local agency will notify the applicant or recipient of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination. The notice shall:

(1) Inform the applicant or recipient that good cause for refusal to cooperate may be claimed;

(2) Inform the applicant or recipient that, unless the State or local agency determines, in accordance with this section, that there is good cause for refusal to cooperate, the applicant or recipient is required, as a condition of eligibility to cooperate under § 232.12 of this chapter;

(3) Indicate that the applicant or recipient must provide evidence of a good cause circumstance or must furnish sufficient information to permit the State or local agency to investigate the circumstances (see paragraph (c) of this section);

(4) Inform the applicant or recipient that upon request, the State or local agency will assist in obtaining the required evidence (see paragraph (f)(2) of this section);

(5) Inform the applicant or recipient that on the basis of the evidence supplied, its investigation of the information provided, or, a combination of both evidence and investigation, the State or local agency will determine whether cooperation would be against the best interests of the child for whom support would be sought (see paragraph (d) of this section);

(6) List the circumstances, (as specified in paragraph (e) of this section) under which cooperation may be determined to be against the best interests of the child;

(7) List the documents acceptable as evidence (as specified in paragraph (f) of this section) upon which the State or local agency may base a determination of good cause without further agency investigation; and

(8) Inform the applicant or recipient that the State Child Support Enforcement agency may review the State or local agency's findings and basis for a good cause determination and may participate in any hearings concerning the issue of good cause (see paragraph (h) of this section).

(9) Inform the applicant or recipient that the State Child Support Enforcement agency may attempt to establish paternity and collect support in those cases where the State or local agency determines that this can be done without risk to the applicant or recipient if done without their participation (see paragraph (m) of this section).

(c) *Requirements upon applicant or recipient.* The plan shall provide that an applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate will be required to:

(1) Provide evidence, as defined in paragraph (f) of this section of the existence of at least one of the circumstances specified in paragraph (e) of this section; or

(2) Provide sufficient information (such as the putative father or the absent parent's name and address) to permit an investigation to determine the existence of any of the circumstances specified in paragraph (e) of this section;

(d) *Determination of good cause for refusal to cooperate.* (1) The plan shall provide that, for each applicant for, or recipient of AFDC who claims to have good cause, the State or local agency will determine whether good cause exists.

(2) The plan shall provide that the State or local agency will make a determination that good cause exists only if it finds, in accordance with paragraphs (e), (f), and (g) of this section, that:

(i) The evidence supplied by the applicant or recipient establishes that cooperation would be against the best interests of the child; or

(ii) The agency's investigation of the circumstances of the case confirms the applicant's or recipient's claim that cooperating would be against the best interests of the child; or

(iii) The evidence supplied and the investigation of the circumstances of the case establish that cooperation would be against the best interests of the child;

(3) The plan shall provide that the State or local agency's final determination that good cause does, or does not exist will:

(i) Be in writing;

(ii) Contain the agency's findings and basis for determination; and

(iii) Be entered into the AFDC case record.

(e) *Circumstances under which cooperation may be "against the best interests of the child."* The plan shall provide that the State or local agency will determine that cooperation in establishing paternity and securing support is against the best interests of the child only if:

(1) The applicant's or recipient's cooperation in establishing paternity or securing support is reasonably anticipated to result in:

(i) Physical harm to the child for whom support is to be sought;

(ii) Emotional harm to the child for whom support is to be sought;

(iii) Physical harm to the mother or caretaker relative with whom the child is living which reduces her capacity to care for the child adequately;

(iv) Emotional harm to the mother or caretaker relative with whom the child is living, of such nature or degree that it reduces her capacity to care for the child adequately; or

(2) At least one of the following circumstances exists, and the State or local agency believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought.

(i) The child for whom support is sought was conceived as a result of incest or forcible rape;

(ii) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or

(iii) The applicant or recipient is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish him for adoption, and the discussions have not gone on for more than 3 months.

(f) *Evidence.* (1) The plan shall provide that acceptable evidence upon which the State or local agency will base a determination of good cause, without further agency investigation, is limited to the following specified documents:

(i) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(ii) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(iii) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;

(iv) Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support would be sought;

(v) A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him for adoption; and

(vi) Such other elements as HEW may by appropriate issuance determine constitute acceptable evidence;

(2) The plan shall provide that, upon request, the State or local agency will assist the applicant or recipient in obtaining the required evidence.

(3) The plan shall provide that if the State or local agency investigates the circumstances of the good cause claim, a determination that good cause exists may be based on any verifying information acceptable to the State or local agency.

(4) The plan shall provide that, in conducting its investigation of a good cause claim, the State or local agency will:

(i) Not contact the absent parent or putative father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

(ii) Prior to making such necessary contact, the State or local agency will

notify the applicant or recipient to enable the applicant or recipient to:

(A) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary, or

(B) Withdraw the application for assistance.

(g) *Special consideration related to emotional harm.* (1) The plan shall provide that, for every good cause determination which is based in whole or part upon the anticipation of emotional harm to the child, the mother or the caretaker relative, as provided for in paragraphs (e)(1) (ii) and (iv), the State or local agency will consider the following:

(i) The present emotional state of the individual subject to emotional harm;

(ii) The emotional health history of the individual subject to emotional harm;

(iii) Intensity and probable duration of the emotional upset;

(iv) The degree of cooperation to be required; and

(v) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(2) The plan shall provide that the State or local agency will document its findings with respect to factors listed above.

(h) *Participation by the State IV-D agency.* The plan shall provide that:

(1) In the process of making a final determination of good cause for refusal to cooperate, the State or local agency will:

(i) Afford the IV-D agency the opportunity to review and comment on the findings and basis for the proposed determination; and

(ii) Consider any recommendation from the IV-D agency.

(2) The State or local agency will give the IV-D agency the opportunity to participate in any hearing (under § 205.10) that results from an applicant's or recipient's appeal of any agency action under this section.

(i) *Notice to the IV-D agency.* The plan shall provide that:

(1) If the notice, required by § 235.70 of this chapter, has previously been provided to the IV-D agency, the State or local agency will promptly report to the IV-D agency all cases in which good cause has been claimed and a determination is pending;

(2) The State or local agency will promptly report to the IV-D agency all cases in which it has determined that there is good cause for refusal to cooperate and its determination pursuant to paragraph (m) of this section whether of not child support enforcement may proceed without the participation of the caretaker relative; and

(3) The State and local agency will promptly report to the IV-D agency all cases in which it has determined that there is not good cause for refusal to cooperate.

(j) *Granting or continuation of assistance.* The plan shall provide that the State of local agency will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of paragraph (c) of this section to furnish evidence or information.

(k) *Periodic review of good cause determination.* The plan shall provide that the State or local agency will:

(1) Periodically review, not less frequently than at each redetermination of eligibility required by § 206.10(a)(9) of this chapter, all cases in which a finding of good cause has been made under this section; and

(2) If it determines that circumstances have changed such that good cause no longer exists, it will rescind its findings and proceed to enforce the requirements of § 232.12 of this chapter.

(l) *Record keeping.* The plan shall provide that the State will maintain records of the activities under this section that will make it possible to submit to the Department, upon request, data concerning:

(1) The number of cases in which the applicant or recipient claimed to have good cause for refusing to cooperate;

(2) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate;

(3) The number of cases in which the applicant or recipient was found not to have good cause for refusing to cooperate;

(4) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate but there was a determination pursuant to paragraph (m) of this section that child support enforcement may proceed without the participation of the caretaker relative; and

(5) For those cases in which good cause was found:

(i) Which of the circumstances specified in paragraph (e) of this section was found to exist; and

(ii) Whether the finding of good cause was based upon evidence supplied by the applicant or recipient, upon the agency's investigation of information furnished by the applicant or recipient, or upon both.

(m) *Enforcement without the caretaker's cooperation.* The State plan shall provide that:

(1) If the State or local agency makes a determination of good cause on the basis of the circumstances specified in this section, it shall also make a determination of whether or not child support enforcement could proceed without risk of harm (as stated in paragraph (e) of this section) to the child or caretaker relative if the enforcement or collection activities did not involve their participation.

(2) This determination shall be in writing, contain the agency's findings and basis for determination, and be entered into the AFDC case record.

(3) If the IV-A agency excuses cooperation but determines that the IV-D agency may proceed to establish paternity or enforce support, it shall notify the applicant or recipient to enable such individual to withdraw their application for assistance.

(4) In the process of making a determination under this paragraph, the State or local agency will afford the IV-D agency an opportunity to review and comment on the findings and basis for the proposed determination, and consider any recommendation from the IV-D agency.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalogue of Federal Domestic Assistance Program No. 13,761, Public Assistance-Maintenance Assistance (State Aid).)

NOTE.—The Social Security Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821 and amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 4, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 30, 1977.

JOSEPH A CALIFANO, Jr.,
Secretary.

[FR Doc. 78-655 Filed 1-11-78; 3:18 pm]

[4110-07]

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 302—STATE PLAN REQUIREMENTS

Good Cause for Refusing to Cooperate

AGENCY: Office of Child Support Enforcement (OCSE), HEW.

ACTION: Final regulations.

SUMMARY: Companion regulations (published today at 43 FR 2170) amend 45 CFR Part 232 to specify standards under which State and local welfare agencies will determine whether an applicant or recipient of Aid to Families with Dependent Children (AFDC) has good cause for refusing to cooperate in establishing paternity and securing child support.

This amendment provides that the agency that administers the State's Child Support Enforcement Program (IV-D) Agency will not attempt to es-

tablish paternity or collect support in any case in which a determination has been made by the State or local welfare agency (IV-A) that an applicant or recipient has good cause for refusing to cooperate, unless the IV-A agency also determines that child support enforcement by the IV-D agency may proceed because these activities can be safely conducted by the IV-D agency without the applicant's or recipient's cooperation.

DATES: *Effective date.* This amendment becomes effective on March 17, 1978.

Comment period. Consideration will be given to written comments or suggestions received on or before June 15, 1978.

Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, in room 2323 of the Department's offices at 330 C Street SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Telephone 202-472-4510).

ADDRESS: Address comments to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 23256, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT:

Steve Henigson, 202-472-4510.

SUPPLEMENTARY INFORMATION:

STATUTORY BASIS

Section 208 of Pub. L. 94-88, enacted August 1, 1975, amended section 454 of Title IV-D of the Social Security Act to provide an exception to the requirement that the State undertake to establish paternity and secure support for every AFDC applicant or recipient. The exception applies when the Title IV-A agency has determined that the caretaker relative has good cause for not cooperating. Those requirements, as amended, read as follows (with amendatory language in italic):

454(4) "(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a)(26) of this title is effective, to establish the paternity of such child *unless the agency administering the plan of the State under Part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26) that it is against the best interests of the child to do so, and*

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support), * * * *(unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so)* * *"

PUBLIC PARTICIPATION

Interested persons have been afforded an opportunity to participate in the development of this amendment. A Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34298), and due consideration has been given to all comments received in response to the Notice. Specifics about the extent of the input from public participation are detailed in the preamble to the companion regulation published today at 43 FR. The substantive comments relevent to this regulation are discussed below.

ENFORCEMENT WITHOUT THE CARETAKER'S COOPERATION

The proposed regulation provided that under certain circumstances the IV-D agency could undertake enforcement activities after the caretaker has been determined by the IV-A agency to have good cause for not cooperating. Enforcement could proceed without the caretaker's cooperation when the IV-A agency determined that such enforcement would not endanger the child's best interests.

This provision was widely debated by responses to the NPRM. The Department has decided to retain the requirement that the IV-A agency make a determination whether support enforcement activities could be safely conducted without the caretaker's cooperation (45 CFR 232.13). Correspondingly, the authorization for the IV-D agency to proceed under such circumstances has been retained in this regulation. (See the preamble to the companion IV-A regulation for further discussion.)

NOTICE THAT DETERMINATION IS PENDING

The comment from the National Welfare Rights Organization (NWRO) pointed out that under the proposed rules and applicable AFDC regulations it would have been possible for the IV-D agency to be proceeding to establish paternity or enforce a support obligation in a case at the same time the IV-A agency was in the process of making a good cause determination. This result could occur if a recipient claimed to have good cause after the IV-A agency had notified the IV-D agency of the case. Regulations at 45 CFR 235.70 require the IV-A agency to provide prompt notice to IV-D upon the granting of AFDC. That regulation also authorizes such notice upon application.

The final regulations avoid this possibility by prohibiting the IV-D agency from conducting any enforcement activities after receiving notice from the IV-A agency that a good cause determination is pending. The final IV-A regulation requires the IV-A agency to provide such notice if good cause is claimed in any case which has previously been reported to IV-D under the provisions of 45 CFR 235.70.

IMPLEMENTATION OF SECTION 454(4)

The regulations at § 232.13, adopted today, require the IV-A agency to promptly report to the IV-D agency cases in which they have determined there is good cause; this amendment provides that the IV-D agency "will not undertake to establish paternity or secure child support if there has been a finding of good cause * * *" Thus, IV-D enforcement activities are prohibited only when the caretaker has claimed good cause for refusing to cooperate and a good cause finding is made by the IV-A agency.

The NWRO comment contends that by linking the good cause determination to the cooperation requirement the Department has failed to fully implement the statutory requirement. They argue that:

"Part 232 must be amended to provide that the IV-A agency must determine, in each case, whether or not child support enforcement would be against the best interests of the child, and if so, to so notify the IV-D agency. Section 302.31 should be amended to conform to such a requirement, namely to provide that the IV-D agency shall not undertake support enforcement if notified that the IV-A agency determined such enforcement would be against the best interest of the child.

NWRO reads Section 454(4) of the Act as requiring the IV-A agency to make an independent determination of whether the support enforcement activities would be against the child's best interest in every case, separate and apart from their determination of good cause for refusing to cooperate.

The Department cannot agree with this interpretation of the statute. Section 454(4) is a Title IV-D State plan provision; it imposes requirements and prohibitions on the State IV-D agency in the conduct of the State's child support enforcement program. This section cannot, by inference, impose an additional requirement upon the State IV-A agency's conduct of the AFDC program. The only requirement imposed upon the IV-A agency is to determine whether good cause for refusal to cooperate exists. The prohibition against the IV-D agency's pursuit of paternity or support is inexorably linked with and dependent upon the caretaker's refusal to cooperate and the IV-A agency's determination that, based on the best interests of the child, good cause for such refusal exists.

INFRINGEMENT ON DUTIES IMPOSED BY STATE LAW

Several District Attorneys commented that the proposal would operate to

invade the traditional prerogatives of the prosecuting attorney to make the decision to pursue a particular case. They fear that the welfare agency, by making a finding of good cause, will be able to effectively prevent the law enforcement officials from meeting their responsibility, under State law, to establish paternity and to enforce court ordered support obligations. The ABA House of Delegates resolution adopted as a principle that "cooperation by the caretaker relative and the discretion traditionally exercised by local officials in proceedings to enforce child support or to establish paternity which are brought without the scope of title IV-D of the Social Security Act, should not be compromised or stifled by the proposed regulations."

Absent clear statutory authorization, the Department has no authority to preempt or obstruct the discretion of a public law enforcement official in carrying out his statutorily mandated functions. A finding of "good cause" excuses the IV-A eligibility requirement of cooperation and allows the applicant or recipient to receive AFDC. Such a finding prevents the State from attempting to establish paternity or secure support pursuant to its State IV-D plan. However, activities to establish paternity or to secure support carried out by a law enforcement official in furtherance of an independent duty under State law are not prohibited. Cooperation of the caretaker, if necessary, would have to be obtained by processes outside of the public welfare system, and such activities by a law enforcement official would not be title IV-D activities. Therefore, they would not be subject to Federal financial participation, nor would incentives be paid.

EFFECTIVE DATE

This regulation becomes effective March 17, 1978, or upon implementation of the companion title IV-A regulations published today (43 FR 2170), whichever is earlier.

COMMENTS

This regulation is final, but comments will be accepted for a period of 90 days after its effective date. This comment period corresponds to the comment period provided for the companion regulation amending 45 CFR Chapter II.

Accordingly, after considering all the comments, the proposed regulations, as modified, are adopted.

Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that:

(a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate; and

(b)(1) The IV-D agency will not undertake to establish paternity or secure child support in any case for which it has received notice from the IV-A agency that there has been a finding of good cause under 45 CFR 232.13, except as provided in paragraph (c) of this section.

(2) Upon receiving notice from the IV-A agency that an applicant or recipient has claimed good cause, the IV-D agency will suspend all activities to establish paternity or secure child support until notified of a final determination by the IV-A agency.

(c) The IV-D agency will not undertake to establish paternity or secure child support if there has been a finding of good cause pursuant to 45 CFR 232.13 unless there has been a determination by the State or local IV-A agency that child support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure child support but may not involve the caretaker relative in such undertaking.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalogue of Federal Domestic Assistance Program No. 13,679, Child Support Enforcement Program.)

NOTE.—The Office of Child Support Enforcement has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 4, 1977.

J. B. CARDWELL,
Director, Office of Child Support Enforcement.

Approved: December 30, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 78-656 Filed 1-11-78; 3:18 pm]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-144; Amdt. No. 179-19]

PART 179—SPECIFICATIONS FOR TANK CARS

Shippers: Specification for Pressure Tank Car Tanks

AGENCY: Materials Transportation Bureau (the Bureau), DOT.

ACTION: Final rule.

SUMMARY: In response to five petitions for reconsideration of amendments issued under Docket HM-144 concerning specifications for pressure tank car tanks (42 FR 46306; September 15, 1977), the Bureau is making several additional changes which may be summarized as follows: Correction of a reference concerning safety relief valve specifications, deletion of an inappropriate sentence allowing a reduction in relief valve flow capacity, announcement (see supplementary information) of a correction in the designation of a previously approved thermal coating intended for use on tank cars, and an editorial change. These amendments clarify the previously published rule and eliminate an undesirable reduction in relief valve flow capacity requirements. Those petitions seeking special consideration for small 112 and 114 tank cars are denied.

EFFECTIVE DATE: As revised, 49 CFR 179.105-7 is effective January 16, 1978.

ADDRESSES: All written comments received in this proceeding are available for examination during regular business hours in Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration 202-426-2748.

SUPPLEMENTARY INFORMATION: Amendments 173-106 and 179-19 published under Docket HM-144 prescribed new and revised specifications for 112 and 114 tank cars. Pursuant to 49 CFR 102.35, five petitioners submitted petitions for reconsideration. Also, a thermal protection system manufacturer requested correction of an error in the list of thermal protection systems recognized as meeting the new thermal protection requirements.

The Association of American Railroads and the Compressed Gas Association, Inc., requested reconsideration of § 179.105-7 pertaining to the sizing of safety relief valves. Stating that the relieving capacity of the safety relief valves specified in this section resulted in capacities that are too large for some non-jacketed thermally protected cars and also too small for some jacketed thermally protected cars, each petitioner argued that it was wrong to relate relief valve sizing to metal temperature.

The Bureau does not agree that adoption of the "uninsulated" capacity formula prescribed in § 179.105-7 for use on thermally protected tank cars will result in too great a capacity. The Bureau has reviewed the data obtained from its tests and believes that since railroad tank cars can overturn

in accident conditions, the safety relief valve must be capable of stabilizing the internal tank pressure under both vapor and liquid flow conditions. Section 179.105-7 also permits existing uninsulated 112 and 114 tank cars to retain existing safety relief valves when these cars are equipped with thermal protection.

The Bureau does agree with the petitioners that the last sentence of § 179.105-7 could be misconstrued with respect to the safety relief valve capacity necessary for a tank car equipped with a given thermal protection system. Accordingly, in order to avoid any misunderstanding which, in some operating and derailment situations, could lead to tank ruptures due to insufficient safety relief valve capacity, the last sentence of § 179.105-7 has been deleted.

The reference to § A8.01 in the second sentence of § 179.105-7 has been corrected to § A8.02. It should be noted that while § 171.7(d)(2) incorporates by reference the 1970 edition of the AAR Specifications for Tank Cars, § 179.105-7 has been amended to specifically refer to the 1976 edition.

Two petitioners, Phillips Petroleum Co. and Pacific States Railcar Co., owners of small 112A400W tank cars, requested an additional 120 days in which to present a petition in response to HM-144. The Bureau believes adequate time has already been provided for these petitioners to express their views on HM-144, and that safety improvements of these cars must proceed without further delay. Therefore, their requests are denied.

Vistron Corp., petitioned for a four-month delay in fitting shelf couplers to 112 and 114 tank cars, based apparently on its belief that shelf coupler application would occur during times that tank cars are cleaned and purged. The Bureau notes that no welding or other "hot work" on the tank is required when replacing "E" and "F" couplers with counterpart shelf couplers. Moreover, these replacements can be readily accomplished in most rail carrier repair shops. Accordingly, this petition is denied.

Avco Systems Division, manufacturer of Chartek 59 thermal coating, noted an error in the topcoat specified for use with its product in the listing of thermal protection systems that do not require test verifications under § 179.105-4. The Bureau agrees that the topcoat tested and specified for use with Chartek 59 is Amercoat 383 (manufacturer, Ameron) rather than Ambercoat 75 and the list of excepted thermal protection systems maintained in Docket HM-144 is so amended.

In addition, there was an error in the name of the manufacturer of the Deltaboard thermal protection system. The correct name is Rock Wool Manufacturing Co., and the list of excepted thermal protection systems has been changed accordingly.

Since the amendment adopted herein makes editorial changes in requirements currently in effect and, in the case of the deletion of the last sentence of § 179.105-7, removes a potentially unsafe condition with respect to safety relief valve capacity, I find that public procedure and notice thereon are unnecessary, and that it is in the public interest to make the amendment effective January 16, 1978.

In consideration of the foregoing, part 179 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 179.105-7 is revised to read as follows:

§ 179.105-7 Safety relief valves.

(a) Notwithstanding the provisions of § 179.105-4, each 112 and 114 tank car shall be equipped with safety relief valves that meet the requirements of Appendix A of the AAR Specifications for Tank Cars. However, the relieving or discharge capacity shall be calculated in accordance with the formula prescribed in § A8.02 of Appendix A applicable to compressed gases in non-insulated tanks.

(b) The references in paragraph (a) of this section to Appendix A of the AAR Specifications for Tank Cars are to the 1976 edition of that publication.

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

NOTE.—The materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or an environmental impact statement under the national Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Issued in Washington, D.C., on January 5, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-1043 Filed 1-13-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would revise some of the district boundaries for independent producer membership positions of the Prune Administrative Committee. The marketing order for California dried prunes requires that these districts be as equal as practicable in terms of the number of independent producers and their collective prune production.

DATE: Written comments to this proposal must be received by January 31, 1978.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This proposal would revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal was recommended by the Prune Administrative Committee and would revise some of the boundaries of the seven independent producer election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the Committee. The proposal would shift: Butte and Yuba Counties from their current districts (Districts 2 and 6, respectively) to District 5; Monterey, San Benito and part of Santa Clara Counties from District 5 to District 4; and Stanislaus County from District 4 to District 6. By making these realignments, the seven districts will have, insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers, as required by § 993.28.

The proposal would amend § 993.128(a) to read as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. That portion of Sutter County south of a line extending along Nuestro Road easterly to the Yuba County line and westerly to the Colusa County line.

District No. 2. That portion of Sutter County not included in District No. 1.

District No. 3. The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.

District No. 4. The counties of Alameda, Contra Costa, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano.

District No. 5. The counties of Butte and Yuba.

District No. 6. The counties of Amador, Fresno, Merced, Placer, Sacremento, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all the counties in the area not included in Districts No. 1 through 5, inclusive, and in District No. 7.

District No. 7. The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

* * * * *

Dated: January 10, 1978.

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

[FR Doc. 78-1055 Filed 1-13-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-SW-56]

TRANSITION AREA

Proposed Designation; Withdrawal of Notice of Proposed Rule Making

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rule making.

SUMMARY: The notice of proposed rule making (42 FR 56956, October 31, 1977) concerning designation of the Socorro, N. Mex., transition area to provide controlled airspace for aircraft executing new instrument approach procedures to the Socorro Municipal Airport is withdrawn.

DATES: Effective: January 16, 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: On October 31, 1977, the FAA published for comment a proposal to designate the Socorro, N. Mex., transition area to provide controlled airspace from 700 feet AGL for aircraft executing proposed instrument approach procedures to the Socorro Municipal Airport. Subsequent to the notice issuance, a flight inspection was conducted with a determination that the initially planned instrument approach had to be revised. Existing controlled airspace with a floor 1200 feet AGL provides adequate protection to arriving aircraft executing the newly proposed instrument approach procedure. Designation of additional controlled airspace is unnecessary. Therefore, Airspace Docket No. 77-SW-56 is being withdrawn.

DRAFTING INFORMATION

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

WITHDRAWAL OF THE PROPOSAL

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-SW-56, notice of proposed rule making, (42 FR 56956), is hereby withdrawn.

(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 January 3, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-945 Filed 1-13-78; 8:45 am]

[4910-13]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 77-WE-28]

PROPOSED TEMPORARY RESTRICTED AREAS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to designate temporary restricted areas identified as R-2535A, B, C, D, E, F, G, and R-4818A, B, C, D, E, F, G, and H in the vicinity of Edwards AFB, Calif., and Nellis AFB, Nev., to contain military joint readiness exercise called "BRAVE SHIELD 17." These proposed actions will provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the area during the proposed designation period.

DATES: Comments must be received on or before February 12, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 77-WE-28, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

Send comments on the environmental aspects to: Department of the Air Force, Attention: Major Stuart A. Hodgeman, Langley Air Force Base, Va. 23665.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before February 12, 1978 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed 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 amendments to Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-2535A, R-2535B, R-2535C, R-2535D, R-2535E, R-2535F, R-2535G, and R-4818A, R-4818B, R-4818C, R-4818D, R-4818E, R-4818F, R-4818G, and R-4818H in the vicinity of Edwards AFB, Calif., and Nellis AFB, Nev., to contain military joint readiness exercise called "BRAVE SHIELD 17." These restricted areas would also be included in the continental control area for the duration of their time of designation. This training exercise "BRAVE SHIELD 17" will involve close air support, interdiction, electronic warfare, reconnaissance, Air combat tactics, tactical airlift, airborne drops, air-to-air refueling and airborne command center operations. Total air traffic associated with this exercise is expected to exceed 400 sorties per day. Leased lines of communications will be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of both exercise air traffic and coordinate movement of nonexercise air traffic proceeding in and out of the exercise area. Wide area telecommunications system (WATS) (reverse charge telephone) numbers will be obtained and published to accommodate nonexercise air traffic coordination. The using agency (U.S. Air Force Tactical Air Command/USAF Readiness Command) will serve as lead agency for purposes of compliance with the National Environmental Policy Act. The proposed restricted areas would be designated as joint use and IFR/VFR operations in the areas may be authorized by the controlling agency when they are not being utilized by the using agency. The controlling agency for the proposed restricted areas would be the FAA Los Angeles ARTCC.

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 Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344, 667 and 690) as follows:

§ 71.151 [Amended].

In § 71.151 the following temporary restricted areas would be added for the duration of their times of designation from 0001 April 6, 1978, through 2400 hours, local time April 16, 1978:

R-2535A, R-2535B, R-2535C, R-2535D, R-2535E, R-2535F, R-2535G,
R-4818A, R-4818B, R-4818C, R-4818E, R-4818F, R-4818G, and R-4818H.

§ 73.25 [Amended].

In § 73.25 the following temporary restricted areas would be added:

R-2535A BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 36°30' N., Long. 116°55' W.; clockwise to Lat. 36°30' N., Long. 116°47' W.; to Lat. 35°39' N., Long. 115°53' W.; to Lat. 35°19' N., Long. 116°19' W.; thence along the eastern boundaries of R-2502E, R-2502N, and R-2508 to point of beginning.
Designated altitudes. 3,000 feet AGL up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.

Controlling agency. Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535B BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 35°07' N., Long. 116°34' W.; clockwise to Lat. 35°01'30" N., Long. 116°41' W.; to Lat. 34°56' N., Long. 117°09' W.; thence along the southern boundaries of R-2515 and R-2502E to the point of beginning.
Designated altitudes. 3,000 feet AGL up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535C BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 37°12' N., Long. 118°35' W.; clockwise to Lat. 37°15'30" N., Long. 118°35' W.; to Lat. 37°39' N., Long. 117°40' W.; to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. 3,000 feet AGL up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535D BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 37°52' N., Long. 117°49'
W.; clockwise to Lat. 37°39' N., Long. 117°40' W.; to Lat. 37°15' N., Long. 118°35' W.; to Lat. 37°11' N., Long. 119°13' W.; to Lat. 37°04' N., Long. 119°44' W.; to Lat. 37°11' N., Long. 119°57' W.; to point of beginning.
Designated altitudes. FL 180 up to FL 350.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using Agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535E BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 35°30' N., Long. 119°00' W.; clockwise to Lat. 37°04' N., Long. 119°44' W.; to Lat. 37°11' N., Long. 119°13' W.; to Lat. 37°15'30" N., Long. 118°35' W.; to Lat. 35°15' N., Long. 118°35' W.; to Lat. 34°56' N., Long. 118°21' W.; to Lat. 34°58' N., Long. 118°35' W.; to point of beginning.
Designated altitudes. FL 180 up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535F BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 37°12'00" N., Long. 117°20'00" W.; to Lat. 35°34'00" N., Long. 116°23'00" W.; to Lat. 35°28'35" N., Long. 116°18'45" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; to Lat. 35°07'00" N., Long. 116°34'00" W.; to Lat. 35°07'00" N., Long. 116°47'45" W.; to Lat. 35°08'50" N., Long. 116°48'40" W.; to Lat. 35°06'30" N., Long. 116°58'40" W.; to Lat. 34°53'30" N., Long. 117°11'50" W.; to Lat. 34°50'20" N., Long. 117°32'00" W.; to Lat. 34°48'30" N., Long. 117°32'00" W.; to Lat. 34°48'00" N., Long. 117°35'00" W.; to Lat. 34°48'00" N., Long. 118°01'00" W.; to Lat. 34°49'40" N., Long. 118°05'45" W.; to Lat. 34°51'30" N., Long. 118°05'45" W.; to Lat. 34°56'00" N., Long. 118°21'00" W.; to Lat. 35°15'00" N., Long. 118°35'00" W.; to Lat. 37°12'00" N., Long. 118°35'00" W.; to the point of beginning.
Designated altitudes. 3,000 feet AGL up to FL 200.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2535G BRAVE SHIELD XVII, CALIF.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27' N., Long. 117°05' W.; thence along the western and southern boundaries of R-4807, R-4808N, R-4808S, and R-4806 to Lat. 36°26' N., Long. 115°18' W.; clockwise to Lat. 35°39' N., Long. 115°53' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. 3,000 feet AGL up to 11,000 feet MSL and 15,000 feet MSL up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

In addition to the above, from April 6-16, 1978, Restricted Area R-2506 China Lake South, Calif., "Time of designation" would be expanded from "Sunrise to sunset, Monday through Friday." to "Continuous."

§ 73.48 [Amended].

In § 73.48 the following temporary restricted areas would be added:

R-4818A BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°53' N., Long. 116°11' W.; clockwise to Lat. 38°00' N., Long. 114°12' W.; to Lat. 37°53' N., Long. 113°39' W.; to Lat. 36°43' N., Long. 114°36' W.; to Lat. 36°43' N., Long. 115°03' W.; to Lat. 36°26' N., Long. 115°18' W.; thence along the eastern and northern boundaries of R-4806, R-4808N, and R-4807 to point of beginning.
Designated altitudes. 100 feet AGL up to FL 500 (1,200 feet AGL up to FL 500 within three nautical mile radius from center of Lincoln County and Pioche Airports).
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818B BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 36°43' N., Long. 114°36' W.; clockwise to Lat. 36°26' N., Long. 114°52' W.; to Lat. 36°26' N., Long. 115°18' W.; to Lat. 36°43' N., Long. 115°03' W.; to point of beginning.
Designated altitudes. FL 180 up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using Agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818C BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°53' N., Long. 117°01' W.; thence along the western boundary of R-4807 to Lat. 37°27'30" N., Long. 117°05' W.; to Lat. 37°45' N., Long. 117°19' W.; to point of beginning.
Designated altitudes. 3,000 feet AGL up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818D BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27'30" N., Long. 117°05' W.; thence along the western and southern boundaries of R-4807, R-4808N and R-4808S to Lat. 36°41' N., Long. 115°56' W.; clockwise to Lat. 36°18' N., Long. 116°34' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. 3,000 feet AGL to 11,000 feet MSL.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818E BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27'30" N., Long. 117°05' W.; thence along the western and southern boundaries of R-4807, R-4808N, and R-4808S to Lat. 36°41' N., Long. 115°56' W.; clockwise to Lat. 36°18' N., Long. 116°34' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. 15,000 feet MSL up to FL 210.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818F BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27'30" N., Long. 117°05' W.; thence along the western and southern boundaries of R-4807, R-4808N, and R-4808S to Lat. 36°41' N., Long. 115°56' W.; clockwise to Lat. 36°18' N., Long. 116°34' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. FL 250 and FL 260.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818G BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27'30" N., Long. 117°05' W.; thence along the western and southern boundaries of R-4806, R-4807, R-4808N, and R-4808S to Lat. 36°26' N., Long. 115°18' W.; clockwise to Lat. 35°57' N., Long. 116°11' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. FL 310 up to FL 350.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-4818H BRAVE SHIELD XVII, NEV.

Boundaries. Beginning at Lat. 37°39' N., Long. 117°40' W.; clockwise to Lat. 37°45' N., Long. 117°19' W.; to Lat. 37°27'30" N., Long. 117°05' W.; thence along the western and southern boundaries of R-4806, R-4807, R-4808N, and R-4808S to Lat. 36°26' N., Long. 115°18' W.; clockwise to Lat. 35°57' N., Long. 116°11' W.; to Lat. 36°30' N., Long. 116°47' W.; to Lat. 36°30' N., Long. 116°55' W.; thence along the eastern boundary of R-2508 to Lat. 37°12' N., Long. 117°20' W.; to point of beginning.
Designated altitudes. FL 410 up to FL 500.
Time of designation. Continuous, 0001 April 6 through 2400 local time, April 16, 1978.
Controlling agency. Federal Aviation Administration, Los Angeles ARTCC.
Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

In addition to the above, from April 6-16, 1978, Restricted Areas R-4806 and R-4807 "Designated altitudes" pertaining to Sundays would be expanded from "Sunday from 13,000 feet MSL to unlimited" to "surface to unlimited."

(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 January 9, 1978.

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

[FR Doc. 78-946 Filed 1-13-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Chapter II]

MINIATURE CHRISTMAS TREE LIGHTS

Extension of the Period for Publishing a Proposed Consumer Product Safety Standard or Withdrawing Notice of Proceeding

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for publishing a proposed consumer product safety standard.

SUMMARY: In this notice, the Commission extends, by 75 days, from January 16, 1978, until April 3, 1978, the period in which the Commission must publish in the FEDERAL REGISTER either a proposed consumer product standard for miniature Christmas tree lights or a notice withdrawing the previously published notice of proceeding for the development of a standard. The reasons for extending this time period are the need for further development of the "cascade failure simulation" end-product test included in the standard, the need to resolve several remaining technical areas where the Commission staff and the offeror may disagree, and the need for additional time to include exact labeling and instruction requirements in the standard.

DATES: The deadline for publishing a proposed standard is extended to April 3, 1978.

ADDRESSES: Nonapplicable.

FOR FURTHER INFORMATION CONTACT:

Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION

The purpose of this notice is to extend by 75 days, from January 16, 1978, until April 3, 1978, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER either a proposed consumer product standard for miniature Christmas tree lights or a notice withdrawing the previously published notice of proceeding for the development of a standard.

A proceeding to develop a consumer product safety standard for miniature Christmas tree lights was commenced under the Consumer Product Safety Act (CPSA) by a notice in the FEDERAL REGISTER of March 31, 1977 (42 FR 17154), in which the Commission solicited either: (1) Offers to develop a recommended consumer product safety standard, or (2) the submission of existing standards to serve as a recommended consumer product safety standard. The Commission subsequently accepted the offer of the National Consumers League (NCL) to develop a safety standard for this product, and NCL submitted a recommended standard to the Commission on November 16, 1977.

The recommended standard submitted by the offeror, at §6.1.1, includes an end product test to determine whether the light strand being tested presents a shock hazard as a consequence of the cascade burnout of lamps. The offeror stated, at §6.1.1, that the effect of cascade failure is an increased current in the lamp circuit in which the failure occurs. Melting or deformation of the lamp bases and the lampholders may occur. Exposure of current carrying parts presents the shock hazard. In submitting the recommended standard the project director for the offeror recognized that the "cascade failure simulation" test included in the standard has not been refined and developed to the point that it can be considered a workable and reproducible test. The Commission staff believes that additional development time is required before a determination can be made that the cascade test is workable or reproducible, and is reluctant to make a decision whether to propose a standard until the issues raised by the "cascade" test can be further examined.

The Commission staff will also make use of the additional development time made available to it by this extension in order to resolve several remaining technical areas where the Commission staff and the offeror may disagree. Although the Commission staff participated closely in the development process, these remaining technical issues must be resolved before a decision can be made to publish a proposed standard.

Additional time is also required since the offeror has not included in the recommended standard exact labeling and instruction requirements. The Commission staff will need time to prepare these requirements. The Commission staff believes that these re-

quirements appear to be necessary to eliminate or reduce the unreasonable risk of injury associated with miniature Christmas tree lights and therefore should be included in a proposed standard, so that interested persons may submit comments on this aspect of the standard.

Therefore, in accordance with the provisions of section 7(f)(2) of the CPSA, 15 U.S.C. 2056(f)(2), the Commission hereby extends until April 3, 1978, the time in which it must either publish a proposed consumer product safety standard applicable to miniature Christmas tree lights or withdraw the notice of proceeding. This period may be further extended by a notice published in the FEDERAL REGISTER stating good cause.

Dated: January 11, 1978.

SADYE DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 78-1268 Filed 1-13-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Parts 4, 5, and 7]

[Notice No. 316]

WARNING LABELS ON CONTAINERS OF ALCOHOLIC BEVERAGES

Proposed Rulemaking

AGENCY: Bureau of Alcohol, Tobacco, and Firearms.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, and Firearms is issuing this advance notice to obtain information enabling it to decide whether the current regulations should be amended to require a warning label on alcoholic beverage containers, regarding the consumption of alcohol by pregnant women. The Bureau is particularly interested in comments from consumers, industry, women's organizations and medical experts concerning the business impact and technical aspects, scientific and legal aspects, and the possible overall value and benefits of the proposal.

DATES: Comments must be received on or before March 17, 1978.

ADDRESS: Comments must be submitted, in duplicate, to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, Attn.: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

Roberta K. Kulina, Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION: ATF has decided to invite interested parties to participate early in the rulemaking process. This early participation will enable ATF to decide whether a notice of proposed rulemaking should be issued. An advance notice of proposed rulemaking is issued when it is felt that the resources of ATF do not provide sufficient information to identify the best course of action, or where it would be helpful to receive public participation in identifying the best course of action. Following is a discussion of the medical research conducted concerning fetal alcohol syndrome and a list of specific questions regarding the proposal.

BACKGROUND

Medical research on the impact on human infants of maternal alcohol consumption during pregnancy has demonstrated that fetal alcohol syndrome (FAS) is clinically observable. This condition is most often characterized by: (1) Prenatal growth deficiency in length and postnatal growth deficiency in both length and weight; (2) microcephaly (the condition of having an abnormally small head); (3) small palpebral fissures (the space between the margins of the eyelids); and (4) mental retardation. Along with these characteristics, however, other patterns of dysmorphism, deficient motor functions, and impaired neurological development have also been identified. Damage to the fetus can occur at the early stages of prenatal development, even before the woman is aware she is pregnant. In this respect, all women of child-bearing age should be aware of the possibility of FAS in potential offspring. Often times, the FAS pattern is identified first, and the maternal alcohol intake is documented later.

Much of the research conducted suggests that a high blood alcohol level during critical periods of embryonic development is probably a prerequisite for producing FAS. The average alcohol consumption may not be as important as the maximum concentration obtained during "binge drinking," or one-time heavy drinking during critical periods. Evidence from both animal and human studies indicates that consumption of 3 ounces of 100 percent alcohol or above (an equivalent of six drinks) produces a risk to fetal outcome. As to the risk for consumption of lower quantities of alcohol, the National Institute on Alcohol Abuse and Alcoholism has determined that further animal and human studies are needed.

Other research has been conducted linking alcoholism with FAS. In studies comparing alcoholic couples to couples where only the wife was alcoholic, maternal alcoholism was considered to be essential to produce adverse consequences to the fetus. It is important to note that heavy drinking can often be associated with heavy nicotine and caffeine ingestion; however, in clinical observations the effects produced by maternal alcoholism appeared even without nicotine and caffeine ingestion. Studies show that smoking one pack of cigarettes a day by a pregnant woman reduces her baby's birth weight. However, no malformations have been observed. No human malformations have been attributed to caffeine intake either. Malnutrition is another factor often associated with impairment to fetal growth and development. However, the fetal alcohol syndrome, as described, is characterized by a greater deficiency in prenatal growth, with an even greater deficiency in length than weight. In studies conducted of non-alcoholic malnourished women, neither this pattern of growth deficiency nor the pattern of malformation described was observed.

In summary, the research on the impact of maternal alcohol consumption on human infants has clearly identified the morphological characteristics of fetal alcohol syndrome. Over 58 published cases reported from 16 different medical centers have confirmed the existence of this syndrome. Currently three major studies on maternal alcohol consumption and infant outcome are being funded by the National Institute on Alcohol Abuse and Alcoholism and are taking place in three major U.S. cities. Early findings of these studies have already confirmed the presence of morphological characteristics of FAS in some of the infants. There are of course instances where only part of the syndrome is found. These may be cases of single malformations, retarded growth and development, or behavioral patterns such as jitteriness. Observations of alcohol intake affecting physiological and metabolic development clearly indicate that alcohol exposure to the placenta may impair nervous system development, specifically morphological and neurological fetal development.

QUESTIONS

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

1. What type of specific warning label, if any, should be placed on containers of alcoholic beverages?

2. What would be the impact on consumers, primarily women, as a result of such a warning?

(a) Would the warning be effective in preventing pregnant women from consuming alcohol in amounts that might prove detrimental to their unborn infants?

3. What other possible alternatives are available to disseminate informa-

tion to the public on possible health hazards resulting from alcoholic intake?

(a) Should these alternatives be in place of or in addition to a warning label?

4. What other medical research is available documenting or refuting the existence of fetal alcohol syndrome?

DRAFTING INFORMATION

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

AUTHORITY

This advance notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205).

Signed: December 23, 1977.

MILES N. KEATHLEY,
Acting Director.

Approved: January 3, 1978.

BETTE. B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-1042 Filed 1-13-78; 8:45 am]

[7910-01]

RENEGOTIATION BOARD

[32 CFR Parts 1460 and 1469]

ANALYSIS OF RENEGOTIABLE BUSINESS BY SEGMENTS

Proposed Rulemaking

AGENCY: The Renegotiation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Renegotiation Board is publishing proposed regulations which provide for the analysis by segments of renegotiable receipts or accruals realized by contractors subject to the Renegotiation Act of 1951, as amended. The Board believes that it may be necessary to examine a contractor's renegotiable business by segments in order to properly determine excessive profits as defined in the Act. The proposed regulations are intended to establish standards for the conduct of such examination.

DATES: Comments must be received on or before March 15, 1978.

ADDRESSES: Comments should be sent to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446.

FOR FURTHER INFORMATION CONTACT:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, telephone 202-254-8277.

SUPPLEMENTARY INFORMATION: In determining whether contractors have realized excessive profits under the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.) (the "Act"), the Renegotiation Board has, when appropriate, analyzed a contractor's renegotiable business by segments. This analysis has been conducted under the Board's administrative letter No. 75-15 since it was issued on November 17, 1975. The Board's regulations also provide for separate consideration of different types of contracts under which a contractor performs renegotiable business. See § 1460.2(b).

The proposed regulations are intended to establish new standards for the identification of segments of a contractor's renegotiable business and for the analysis of such segments to determine the amount of excessive profits, if any. In a separate action published in the FEDERAL REGISTER today, the Board announces its revocation of administrative letter No. 75-15. By this notice, the Board proposes to amend § 1460.2(b) to provide a statement of the principle that a contractor's renegotiable business will be analyzed by segments, and to establish a new Part 1469 setting forth standards for the identification of segments and their analysis.

Section 1469.1 establishes a definition of the term "segment" which includes those portions of a contractor's renegotiable business which may be separately analyzed and which permit consistent and relevant evaluation under the statutory factors. See § 103(e) of the Act (50 U.S.C. App. 1213(e)).

Sections 1469.2 and 1469.3 set forth criteria for the identification of segments. Segmentation of all contractors is made in accordance with the general definition, taking into consideration the particular contractor's cost accounting system and the availability of relevant data. The business of larger contractors is required to be segmented by product or service.

Under § 1469.4 each contract-type group within a segment will be separately analyzed in order to properly evaluate the special characteristics of each such group.

In § 1469.5 standards are established for the application of the statutory factors to each identified segment.

Section 1469.6 sets forth the method by which the Board will consider "start-up" costs incurred by a contractor in a year or years prior to the year under review. This paragraph is intended to amplify the Board's existing regulations concerning "start-up" costs. See §§ 1460.10(b)(5) and 1499.1-44.

The treatment of losses realized in any segment is set forth in § 1469.7. Except in certain circumstances set forth in § 1469.7(c), losses in any segment will be applied ratably over a contractor's profitable segments. Loss carryforwards will similarly be allowed as a cost, ratably against all profitable segments. Any losses resulting from the contractor's gross inefficiency will not be recognized.

Finally, § 1469.8 provides for the aggregation of identified segments in reaching a final determination of excessive profits, if any. Provision is made for application on an aggregate basis of those statutory factors which have not been applied within each segment.

The Board invites interested persons to comment in writing on the proposed regulations. Such comments should be addressed to the General Counsel, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446. To be considered by the Board, comments must be received on or before March 15, 1978. All comments will be made available for public inspection during regular business hours in the Public Information Office of the Board, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

In consideration of the forgoing, it is proposed to amend Chapter XIV of 32 CFR as set forth below.

Dated: January 10, 1978.

GOODWIN CHASE,
Chairman.

1. 32 CFR 1460.2(b) is revised to read as follows:

§ 1460.2 Specific Consideration.

* * * * *

(b) *Separate consideration of segments.* While renegotiation will be conducted with respect to the aggregate of the contractor's renegotiable business for the fiscal year, separate consideration will be given to segments of the contractor's renegotiable business as provided in Part 1469 of this subchapter.

2. A new Part 1469 of Chapter XIV of Title 32 of the Code of Federal Regulations is hereby established, reading as follows:

PART 1469—SEGMENTATION

Sec.

1469.1 Definition.
1469.2 Segmentation applied to all filings.
1469.3 Segmentation by product or service.
1469.4 Analysis of segments by contract types.
1469.5 Statutory factor consideration.
1469.6 Start-up costs in prior year(s).
1469.7 Losses in the review year.
1469.8 Aggregation.

AUTHORITY: Sec. 109, 65 Stat. 22; 50 U.S.C. App. 1219.

§ 1469.1 Definition.

The word "segment" means any part of a contractor's renegotiable business which will permit:

(a) Thorough analysis and

(b) The application of all the statutory factors in a consistent and relevant manner.

All of a contractor's renegotiable business may, when appropriate, be a segment.

§ 1469.2 Segmentation applied to all filings.

(a) *In general.* All filings shall be segmented in accordance with the above definition. Filings for which segmentation by product or service is performed shall be segmented in accordance with § 1469.3.

(b) *Identification of segments.* Identification of the segments to be analyzed must be done with full knowledge of the nature of the particular contractor's cost accounting system and the availability of financial and other data.

(c) *Other renegotiable business.* Having identified significant segments, the remaining renegotiable business, if any, must be placed into a separate grouping which may not be homogeneous, but by the application of reasonable judgment is an insignificant part of a contractor's renegotiable business.

§ 1469.3 Segmentation by product or service.

(a) *In general.* Segmentation by product or service must be performed for all filings when the sum of the renegotiable sales in the review year for the contractor and all entities controlled by, controlling, or under common control with the contractor is $10 million or more. When such sum is less than $10 million, segmentation by product or service may be performed at the Board's discretion.

(b) *Like or closely similar products or services.* When segmentation by product or service is performed, divisions, subsidiaries, or other business units producing like or closely similar products or performing like or closely similar services may be combined to form a single segment, providing such combination is sufficiently homogeneous to permit factor evaluation as discussed in § 1469.5.

§ 1469.4 Analysis of segments by contract types.

A contractor's renegotiable business shall be analyzed to identify "contract-type groups" in which the same types of contract (fixed-price, cost-plus-fixed-fee, etc.) within each segment must be further examined in light of the analyses to be applied in renegotiation. Where there is within any contract-type group a lack of uniformity that impedes such analyses, subgroups of the contract-type group, possessing greater homogeneity, will be further established. For example, there may be within the fixed-price renegotiable business of a segment a substantial amount of sales produced at facilities wholly or substantially owned by the contractor as well as a substantial amount produced at or with Government-furnished facilities or equipment. Clearly, there is a marked difference between the two subgroups with respect to the capital-employed factor. Similarly, differences may result from the character of the business, such as the use of purchased materials versus customer-furnished material.

§ 1469.5 Statutory factor consideration.

If, at any stage of the segmentation and analysis required in preceding sections of this part, the likelihood arises that one or more significant segments may have excessive profits, each significant segment shall be analyzed by application of the statutory factors set out in Section 103(e) of the Renegotiation Act of 1951. Any resulting positive or negative factor consideration shall be quantified for each segment.

§ 1469.6 Start-up costs in prior year(s).

Where a contractor experienced minimal profits or losses in a year or years prior to the year under review, and to the extent that those minimal profits or losses resulted from non-recurring costs which directly relate to the production in the same segment in the review year, then in accordance §§ 1560.10(b)(5) and 1499.1-44 of this Chapter: (a) the Board will transfer the appropriate amount of such costs to the review year if those costs can be identified in a specific amount or, (b) if these costs cannot be specfically identified, the Board will give consideration in the review year to the presence of such costs; Provided, such transfer of costs or consideration may not affect the results of renegotiation proceedings of such prior year or years.

§ 1469.7 Losses in the review year.

(a) *In General.* Notwithstanding any factor consideration which may have been accorded as required herein, contractors are entitled to full benefit for any losses in the review year, except for losses resulting from gross inefficiency. Consequently, when appropriate the analysis set forth in this section shall be performed.

(b) *Proration of losses.* If any segment shows a loss for the year, that loss shall be applied ratably against all profitable segments in the ratio of the profits earned by each profitable segment to the total profits of all profitable segments.

(c) *Direct application of losses.* If, however, the contractor demonstrates to the satisfaction of the Board that a significant part of a loss in a particular segment resulted from (1) causes clearly not attributable to the omission to act, fault or negligence of the contractor or (2) acts of God or of the public enemy, including fires, floods, epidemics and quarantine restrictions, then the loss in question, to the extent not compensated by insurance, shall be applied first to any segments where excessive profits exist. If such losses are greater than the sum of such excessive profits, then the remaining balance of the loss will be applied against all profitable segments ratably as indicated in the preceding paragraph.

(d) *Renegotiation loss carryforward.* In any year when the sum of the losses is greater than the sum of all profits, the difference will be treated as a loss carryforward. A loss carried forward from any prior year shall be regarded as a cost of the year to which it is carried forward and consequently applied against all profitable segments in that year in accordance with paragraph (b) of this section. For a full description of the renegotiation loss carryforward, see §§ 1457.8 and 1457.9 of this Chapter.

(e) *Gross inefficiency.* Losses must be examined to make sure they are not the result of gross inefficiency, in which case they will not be recognized.

§ 1469.8 Aggregation.

When all of the analysis and the application of the statutory factors to the significant segments have been completed in accordance with this Part, the renegotiable sales, costs and profits (or losses), of those segments and of any remaining segment will be brought together—aggregated. To the extent that one or more statutory factors have not already been applied to any one of the individual segments, that factor or factors shall be applied to the aggregate of renegotiable business. Any positive or negative factor consideration which may be due as a result of this application shall be quantified and shall be allowed as a reduction of or addition to the excessive profits, if any.

[FR Doc. 78-1044 Filed 1-13-78; 8:45 am]

[4310-70]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 9]

MINERALS MANAGEMENT

Comprehensive Regulations; Extension of Time

AGENCY: National Park Service, USDI.

ACTION: Proposed rule, extension of comment period.

SUMMARY: Notice is hereby given that due to printing difficulties the

time period has been extended for receipt of comments on the proposed revision of the National Park Service regulations for Minerals Management (published in the FEDERAL REGISTER, Vol. 42, No. 240, Wednesday, December 14, 1977, pages 63058 through 63064), and the accompanying environmental assessment released the week of January 1, 1978.

DATES: The due date for receipt of comments, January 20, 1978, for both the proposed revision of the regulations and accompanying environmental assessment, is extended to February 10, 1978.

ADDRESS: Mail comments to Director, Attn: Natural Resources Management Division (550), National Park Service, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Neal G. Guse, Jr., Chief, Natural Resources Management Division, Room 3310, Interior Building, 18th and C Streets NW., Washington, D.C., telephone 202-343-3919.

Dated: January 5, 1978.

DANIEL J. TOBIN, Jr.,
Associate Director,
Management and Operations.

[FR Doc. 78-1056 Filed 1-12-78; 8:45 am]

[78-1052]

DEPARTMENT OF TRANSPORTATION

[49 CFR Part 571]

[Docket No. 1-22; Notice 4]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Extension of Applicability

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Standard No. 115, vehicle identification number, to extend its applicability to additional classes of motor vehicles and to specify its content and format. The proposed action was undertaken because of the increased use of vehicle identification numbers by the safety community and is intended to extend and simplify its use.

PROPOSED EFFECTIVE DATE: January 1, 1980, for passenger cars; September 1, 1981, for other vehicles.

COMMENT CLOSING DATE: April 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Nelson Erickson, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0854.

On September 6, 1976, the National Highway Traffic Safety Administration (NHTSA) published an advance notice of proposed rulemaking (41 FR 38189) which stated the agency's intent to upgrade Federal Motor Vehicle Safety Standard No. 115 dealing with vehicle identification numbers (49 CFR 571.115). The comments to the notice have confirmed NHTSA's belief that a uniform, expanded and more efficient vehicle identification numbering system offers significant benefits to a large community of vehicle identification number (VIN) users as well as to the NHTSA.

USERS AND USES OF THE VEHICLE IDENTIFICATION NUMBER

Standard No. 115 currently requires manufacturers to assign a VIN to each of its passenger cars. The VIN assigned by a manufacturer to one of its cars must not duplicate that assigned to any other of its cars during any 10-year period. Thus, the VIN serves as a unique identifier for passenger cars in much the same way as a social security number uniquely identifies participants in the social security program.

Even with its applicability limited to cars, the VIN has proved of great benefit in many ways. Some of the VIN users and uses are:

Manufacturers use the VIN for internal production controls and defect recall campaigns.

State Motor vehicle administrators use the VIN for registration, titling and inspection purposes.

Insurance companies use the VIN to identify cars they insure.

Law enforcement officers use the VIN to aid in the recovery of stolen vehicles.

The NHTSA uses the VIN for accident investigation and other safety research purposes.

It is clear from these examples that the VIN has filled specific needs for those who deal with passenger cars, and that the ever-increasing use of the VIN argues strongly for the optimization of the system which spawns them.

EFFORTS AT STANDARDIZATION

Realizing the need to make the VIN system more efficient and to extend its applicability beyond the narrow confines of passenger cars, both the International Standards Organization (ISO) and the Vehicle Equipment Safety Commission (VESC) have separately undertaken over a number of years to develop a standardized VIN format and extend its applicability. A difficulty arose in their efforts, however, as each of these groups had focused on the needs of different groups of VIN users rather developing a system which met the basic needs of all users. As a result, inconsistent VIN schemes were developed. The adoption by these organizations of their schemes would require manufacturers to maintain two separate VIN systems. This would destroy all hope for international comity, as the VESC jurisdiction extends, after varying degrees of approval, to 42 States and the District of Columbia and the ISO jurisdiction extends, in essence, to the rest of the world.

Finding it impossible to satisfy both the ISO and VESC requirements simultaneously, several manufacturers petitioned the NHTSA to resolve the matter by issuing a comprehensive standard in this area. The NHTSA was prepared to act expeditiously on these petitions as it had also been examining the potential of upgrading the VIN standard in connection with its participation in the International Standards Organization, the Vehicle Identification Numbers Committee of the Society of Automotive Engineers, and the U.S. Interagency Committee on Automobile Theft Prevention. Further, the increased use of the VIN in NHTSA's own activities and the requirement that recall campaigns be carried out utilizing names and addresses from State motor vehicle records made action to upgrade the VIN standard a matter of importance to the NHTSA.

The NHTSA effort at revising the VIN standard was hastened by the incompatability of the proposals of the ISO and VESC and the preemptive responsibilities resulting from the issuance of Federal Motor Vehicle Safety Standard No. 115, Vehicle identification number. Since the issuance of this standard preempted nonidentical State standards relating to the same aspect of performance (§103(d) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392 (d)), NHTSA rulemaking would be necessary for any VIN format to become mandatory in the United States.

In reviewing the initial schemes of the ISO and VESC (both were later modified by these groups to eliminate some of the disparities), the NHTSA found that elements of each could be combined and strengthened to create a system serving all users—particularly the safety community—yet allowing for flexibility and future informational needs. Thus, the NHTSA's rationale for initiating rulemaking was to maximize the benefits of the VIN for all users with minimal detriment for any particular user.

The proposal reflects a mixture of ideas from the VESC scheme, the ISO scheme, and the NHTSA. While the

NHTSA is aware that any effort at international standardization is complex, the basic premise of the NHTSA in arriving at its proposal was technical effectiveness in meeting the needs of safety and other users. The NHTSA believes its proposal has technical advantage over the other schemes, and solicits comments relating to the technical sufficiency of the proposal. Fortunately, the organizations most involved with the VIN—the ISO, the SAE and the VESC—are also the major repositories of engineering judgment and technical capability concerning this area.

For the convenience of those wishing an overview of the NHTSA proposal as compared to the VESC and ISO schemes, the most important aspects of each are summarized below.

APPLICABILITY

NHTSA—Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.
ISO—Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles (except mopeds).
VESC—Passenger cars, non-motive powered recreational vehicles.

NUMBER OF CHARACTERS

NHTSA—16 plus a check digit.
ISO—17.
VESC—16.

RESPONSIBILITY FOR ASSIGNING MAKER IDENTIFIER

NHTSA—Manufacturer or an agent of manufacturer.
ISO—Society of Automotive Engineers as agent of ISO.
VESC—Society of Automotive Engineers as agent of VESC.

SECTION I OF VIN

NHTSA—3 characters identifying manufacturer, make and class of vehicle (production level 500 or more annually).
ISO—3 characters identifying geographic area, country and manufacturer (production level 500 or more annually).
VESC—3 characters identifying make.

SECTION II OF VIN

NHTSA—6 characters decipherable into a number of specific vehicle attributes; no alpha or numeric restrictions.
ISO—6 characters representing attributes to be determined by the manufacturer; no alpha or numeric restrictions.
VESC—5 characters with the first four decipherable into car line, series and body type and the fifth decipherable into engine type; four of five characters specified either alpha or numeric.

SECTION III OF VIN

NHTSA—7 characters representing the model/calendar year, the sequence in which the vehicle was produced, and where the production level is less than 500 vehicles annually, the manufacturer, make and class when combined with Section I.
ISO—8 characters representing at the manufacturer's option either the model year and/or assembly plant[1] or other data, the sequence in which the vehicle was produced, and, where the production level is less than 500 vehicles annually, the geographic area, country and manufacturer when combined with Section I.
VESC—8 characters representing, in order, the model year, plant of origin,[1] and sequence in which the vehicle was produced.

CHECK DIGIT

NHTSA—A digit appended to but not a part of the VIN used to discover error in the transcription of the VIN.
ISO—None.
VESC—None.

VEHICLE IDENTIFICATION NUMBER FORMAT

The proposal would require that each motor vehicle have a VIN assigned by the manufacturer which must not be identical to any other VIN issued by any manufacturer during a 30-year period. This proposed requirement is identical to the requirement of the ISO and VESC schemes.

As currently required for passenger cars, a permanent VIN is proposed to be located in the passenger compartment of passenger cars and trucks of less than 10,000 pounds GVWR. The VIN would have to be readable from outside the vehicle under prescribed conditions which are essentially unchanged from previous requirements.

To determine how best to avoid error in reading and transcribing the VIN, the NHTSA funded research (DOT-HS-7-01541) by Planning and Human Systems, Inc., into legibility criteria for the VIN. Based on this research, the NHTSA proposes specific criteria for the size, type face, and luminance contrast of the VIN, as well a its character grouping when located in the passenger compartment.

The VIN is divided into three sections which are described below.

SECTION I—MAKER IDENTIFIER

The ISO and VESC schemes for identifying the maker of the motor vehicle each utilize three characters. Under the scheme proposed by the ISO, each manufacturer would be assigned a world manufacturer identifier (WMI). The WMI would be determined by a highly structured formula where the first character represents the geographic area or continent in which the manufacturer is located, the second represents the specific country within that geographic area, and the third character represents the specific manufacturer within that country.

The VESC proposal is less stringent in the structuring of the maker identifier, but more specific in that it requires the make of the motor vehicle rather than the manufacturer. Since the make of a motor vehicle is generally the first corporate division of a manufacturer, e.g., Chevrolet is a make manufactured by General Motors, this scheme would require some manufacturers to have more than one maker identifier.

Both the ISO and the VESC designated the Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, Pa. 15096, U.S.A. as the repository of their maker identifiers. This choice proved fortuitous, as the SAE was able to develop an assignment pattern which conformed to both ISO and VESC requirements.

The NHTSA, in determining the appropriate maker identifier to propose, accepted the basic premise of a 3 character identifier and focused on utilizing the informational capacity of the three characters to their fullest extent. In this way, the information needed to be carried by subsequent sections could be reduced. A review of the informational capacity of the three character section showed that along with ISO-required manufacturer and VESC-required make information, the vehicle class could also be accommodated by assigning to each manufacturer a separate identifier for each class of vehicle within the same make. Even with this additional requirement, all current and projected manufacturers of more than 500 vehicles annually can be accommodated.

It is clear that to develop an identification scheme for all manufacturers, makes and classes which would be unique over a 30-thirty year period requires more informational capacity than is available in a three character section. The NHTSA is therefore proposing that manufacturers which produce less than 500 vehicles in a class annually utilize the excess space in the six character vehicle production sequence number contained in the third section of the VIN for manufacturer, make, and class identification. In this case, the first two characters of the first section would be designated by the manufacturer and the third character would be the number 9. That first section, in conjunction with the second, third, and fourth characters of the third section, would represent the maker identifier. This procedure parallels that contained in the ISO scheme.

SECTION II—VEHICLE ATTRIBUTES

The agency proposes that the second section of the VIN would consist of six characters which describe a number of attributes for each specific class of vehicle. Under the ISO scheme, the manufacturer would be free to determine which attributes it wished to describe. The VESC, however, specified the attributes required and the specific location within the section of the characters which represent that information.

[1] In the NHTSA proposal, plant information must be decipherable from the VIN, but no specific location is required.

The NHTSA is proposing what it considers to be a system drawing upon the best qualities of the ISO and VESC schemes. Like the ISO scheme, the NHTSA proposal gives the manufacturer flexibility to determine how it desires to structure the informational content of this section. However, the coding must be decipherable, in a unique fashion, into not only the information required by the VESC scheme, but also additional information which the NHTSA believes important in carrying out its mission. While the NHTSA proposal requires a decoding process, it concludes that the flexibility of its proposal coupled with its adaptability to future informational needs far outweighs the disadvantage of not representing the information directly. In establishing the decoding requirement, the NHTSA took note that the VESC system also required a decoding effort and that enormous strides have been made and are projected in data processing equipment and techniques.

SECTION III—VEHICLE IDENTIFIER

The NHTSA proposes that the third section of the VIN consist of seven characters and identify the actual vehicle. The first character must either represent the vehicle model year, as is the custom of American manufacturers, or the actual calendar year of production, as is the custom of European manufacturers. In either event, a one-character year code is proposed. In the case of a vehicle whose manufacturer produces 500 or more vehicles annually in the class of that vehicle, the final six characters of the third section must indicate the sequence in which the vehicle was produced. If the manufacturer produced less than 500 vehicles annually in that class, the last three characters are required to indicate the sequence in which the vehicle was produced and the three characters immediately preceding them along with the three characters making up the first section identify the manufacturer, make and class of the vehicle.

Both the ISO and VESC specified eight rather than seven characters in the third section, the additional character representing the plant of manufacture. The NHTSA has concluded, however, that this information is decipherable from the VIN itself in a number of instances, such as when a specific model is produced only in one plant (e.g., Mercedes-Benz) or when blocks of sequential numbers are assigned to plants. To the extent a specific character representing the plant is considered necessary by a manufacturer, the NHTSA concludes that the last character of the second section can be utilized. (While the use of that character does reduce the number of unique, second section codes which can be derived from approximately 1.3 billion to approximately 39 million, the NHTSA believes the informational capacity will be sufficient over the prescribed thirty year period.)

CHECK DIGIT

The NHTSA is proposing that manufacturers be required and other users encouraged to use a check digit to combat the serious error rate in the transcription of the VIN. Since manufacturers are required to utilize State motor vehicle records in defect recall campaigns, erroneous VIN transcription results in a number of vehicles being excluded from the campaign. Thus safety problems and others make some type of error reduction process essential. Under the NHTSA proposal, which is a variant of the scheme currently used in Germany and recommended by Mercedes-Benz, a check digit would be appended to each VIN. This digit would not be a part of the VIN itself, but would appear at the end of the VIN and on transfer documents prepared by the manufacturer for the first purchaser of the vehicle for purposes other than resale. The NHTSA anticipates that other users, over whom the NHTSA does not exercise jurisdiction, will also utilize the check digit methodology to detect errors in transcription.

The check digit itself is the product of a mathematical computation utilizing the VIN. If there is an error in transcribing the VIN, it is unlikely that the mathematical computation utilizing the erroneous VIN will result in the proper check digit.

The check digit is not meant to be stored with the VIN in the data processing files of the user. Rather, it is meant to be a data entry operation to ensure that the correct VIN has been recorded. Once the correctness of the VIN has been determined, it is of no use. further, it may be regenerated by the data processing equipment for inclusion on such subsequent documentation as titles. While the check digit process does require minimal data processing capabilities on the part of users, it is a more effective substitute for the edit routine process cited by the VESC in support of designating whether characters in the VIN should be alphabetic or numerical.

The proposed standard also establishes the reporting requirements for the information required to be submitted to the NHTSA.

COST OF THE PROPOSAL

In estimating the cost of the proposal, the NHTSA accepted as a given that the VIN format would be standardized, if not by the NHTSA, then by either the ISO, the VESC or both. This would occur either through the NHTSA specifically relinquishing its preemptive authority to stipulate a VIN format, or by the manufacturers adopting the ISO scheme which would be mandated outside the United States. Consequently, the NHTSA has determined that the incremental costs of this rulemaking are negligible. While it might be argued that adoption of either the ISO or VESC scheme would result in decreased implementation costs for a particular user, these costs tend to balance out over the universe of users. Data regarding the cost of implementing the NHTSA proposal, particularly those elements such as the check digit which are not contained in either the ISO or VESC schemes, is requested to ensure that this evaluation is correct.

A January 1, 1980 effective date is proposed for passenger cars as they already utilize a VIN system. A September 1, 1981 effective date is proposed for other vehicles.

In consideration of the foregoing, it is proposed that § 571.115 of Title 49, Code of Federal Regulations, be amended to read:

§ 571.115 Standard No. 115; Vehicle identification number.

S1. *Purpose and Scope.* This standard specifies requirements for a vehicle identification system to simplify vehicle certification and information retrieval and to reduce the incidence of accidents by increasing the accuracy and effeciency of vehicle defect recall campaigns.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

S3. *Definitions.* "Axle and drive arrangement" means the number of powered and nonpowered axles on a vehicle.

"Body Type" means the general configuration or shape of a vehicle distinguished by such characteristics as the number of doors or windows, cargo-carrying features and the roofline (e.g., sedan, fastback, hatchback).

"Check digit" means a single number or the letter X that is placed at the end of the vehicle identification number to verify the accuracy of the transcription of the vehicle identification number.

"Class" means a type of vehicle distinguished by common traits. Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles are separate classes.

"Engine Type" means a power source with specifically defined characteristics such as fuel utilized, number of cylinders, displacement, horsepower.

"Length of trailer" means the overall extreme longitudial dimension.

"Line" means a name which a manufacturer applies to a family of vehicles within a make which have a degree of commonality in construction, such as body, chassis, or cab type.

"Make" means a name which a manufacturer applies to a group of vehicles.

"Model" means the term applied to a family of vehicles of the same class, make, line, series, and body type.

"Model Year" means the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced.

"Plant of manufacture" means the plant where the completed vehicle is assembled.

"Series" means a name which a manufacturer applies to a subdivision of a "line" denoting price, size or weight identification, and which is utilized by the manufacturer for marketing purposes (e.g., Fury I, Fury II, Fury III).

"Vehicle identification number" means a series of arabic numbers and roman letters which is assigned to a motor vehicle for identification purposes.

S4. *Requirements.* S4.1 Each vehicle shall have a vehicle identification number that is assigned by the manufacturer and a check digit which meets the requirements of this standard.

S4.2 The vehicle identification numbers of any two vehicles manufactured within a 30 year period shall not be identical.

S4.3 The vehicle identification number and check digit of each vehicle shall be sunk into or embossed upon either a part of the vehicle other than the glazing that is not designed to be removed except for repair or upon a separate plate which is permanently affixed to such a part.

S4.3.1 The type face utilized for the vehicle identification number and check digit shall be one specified in Military Specifications MIL-M-18012 B, and shall have a luminance of 20 ft. L. and luminance contrast of 10:1. Each character shall have a minimum height of 7 mm and a width of between 75 percent and 100 percent of the character height. The space between the characters in the same grouping shall be between 22 percent and 30 percent of the character height, and the space between groupings shall be twice that between characters.

S4.4 The vehicle identification number and check digit for passenger care and trucks of less than 10,000 pounds GVWR shall be located inside the passenger compartment. They shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eye-point is located outside the vehicle adjacent to the left windshield pillar.

S4.4.1 The vehicle identification number and check digit required by S4.4 shall be set forth in two lines with the first and second section of the vehicle identification number appearing on the top line and the third section and check digit appearing on the bottom line. The first line shall consist of three grouping of three characters each and the second line of two grouping of four characters each as indicated in figure I.

Figure I

XXX XXX XXX

XXXX XXXX

S4.5 *VIN basic content.* The VIN shall consist of three sections of characters and shall be grouped accordingly except for the vehicle identification number located in the passenger compartment as required by S4.4.

S4.5.1 The first section shall consist of three characters which uniquely identify the manufacturer, make and class of the motor vehicle if its manufacturer produces 500 or more motor vehicles of its class annually. If the manufacturer produces less than 500 motor vehicles of its class annually, the first and second characters may be determined by the manufacturer, the third character shall be the number 9, and the manufacturer, make and class of the motor vehicle shall be identified under the procedures in S4.5.3.2.

S4.5.2 The second section shall consist of six characters which shall uniquely identify the attributes of the vehicle as specified in table I. The characters utilized and their placement within the group may be determined by the manufacturer, but the following attributes must be decipherable with information supplied by the manufacturer under the procedures specified in S5.

TABLE I

Class of vehicle	Information decipherable
Passenger car	Model, line, series, body type, engine type, gross vehicle weight rating, transmission class, restraint system type.
Multipurpose passenger vehicle.	Line, series or size, body type, engine type, gross vehicle weight rating, transmission class, brake system.
Truck	Model or line, series, chassis, cab and body type, engine type, transmission class, brake system, axle and drive arrangement, gross vehicle weight rating.
Bus	Model or line, series, body type, engine type, seating capacity, axle and drive arrangement, width, gross vehicle weight rating.
Trailer	Type, series, body type, length, axle and drive arrangement, engine type, width, gross vehicle weight rating.
Motorcycle	Type, line, engine type, number of wheels, brake horsepower.

S4.5.3 The third section shall consist of seven characters, of which the fourth through the seventh shall be numerical.

S4.5.3.1 The first character of the third section shall represent either the calendar year during which the vehicle is completed or the vehicle model year. The year shall be designated as indicated in Table II.

TABLE II

Year	Code
1980	A
1981	B
1982	C
1983	D
1984	E
1985	F
1986	G
1987	H
1988	J
1989	K
1990	L
1991	M
1992	N
1993	P
1994	R
1995	S
1996	T
1997	V
1998	W
1999	X
2000	Y
2001	1
2002	2
2003	3
2004	4
2005	5
2006	6
2007	7
2008	8
2009	9
2010	A
2011	B
2012	C

S4.5.3.2 The second through the seventh characters of the third section shall represent the sequence in which the motor vehicle was produced if its manufacturer produces 500 or more vehicles in its class annually. If the manufacturer produces less than 500 motor vehicles in its class annually, the second, third, and fourth characters of the third section, combined with the three characters of the first section, shall uniquely identify the manufacturer, make and class of the motor vehicle and the fifth, sixth, and seventh character of the third section shall represent the sequence in which the motor vehicle was produced.

S4.5.4 The plant of manufacturer shall be decipherable from the vehicle identification number with information supplied by the manufacturer under the procedures specified in S6.

S4.6 *Characters.* Each character used in a vehicle identification number shall be one of the arabic numbers or roman letters set forth in table III.

Table III

Numbers: 1 2 3 4 5 6 7 8 9 0
Letters: A B C D E F G H J K L M N P R S T U V W X Y Z

All spaces provided for in the vehicle identification number must be occupied by a character specified in table III.

S5 *Check digit.*

S5.1 A check digit shall be provided with each vehicle identification number. The check digit shall immediately follow the vehicle identification number required by S4 and appear on any transfer documents containing the vehicle identification number and pre-

pared by the manufacturer to be given to the first owner for purposes other than resale.

S5.3 The check digit is determined by carrying out the following mathematical computation.

S5.3.1 Assign to each number in the Vehicle Identification number its actual mathematical value and assign to each letter the value specified for it in Table IV:

Table IV

A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=1, L=2, M=3, N=4, P=5, R=6, S=7, T=8, U=9, V=1, W=2, X=3, Y=4, Z=5.

S5.3.2 Multiply the assigned value for each character in the vehicle identification number by the weight factor specified for it in Table V.

TABLE V

Character	Weight factor
1st	8
2d	7
3d	6
4th	5
5th	4
6th	3
7th	2
8th	10
9th	9
10th	8
11th	7
12th	6
13th	5
14th	4
15th	3
16th	2

S5.3.3 Add the resulting products and divide the total by 11.

S5.3.4 The remainder is the check digit. If the remainder is 10, the check digit is X.

EXAMPLE:

Vehicle Identification Number Character	1	G	4	A	H	E	9	H	5	G	1	1	8	3	4	1
Assigned Value	1	7	4	1	8	5	9	8	5	7	1	1	8	3	4	1
Multiply by Weight Factor	8	7	6	5	4	3	2	10	9	8	7	6	5	4	3	2

Add Products 8+ 49+24+ 5+ 32+15+18+80+45+ 56+7+ 6+ 40+12+12+2=411

Divide by 11 411/11 = 37 4/11

Check Digit 4

S6. *Reporting requirements.*

S6.1 Manufacturers of motor vehicles subject to this standard shall submit, either directly or through an agent, the unique identifier for each make and class of vehicle it manufactures by January 1, 1979.

S6.2 Manufacturers which begin production of motor vehicles subsequent to January 1, 1979, shall submit, either directly or through an agent, the unique identifier for each make and class of vehicle it manufactures at least 30 days before affixing the first vehicle identification number. Manufacturers whose unique identifier appears in the third section of the vehicle identification number shall also submit the three characters of the first section which constitute a part of their identifier.

S6.3 Each manufacturer shall submit at least 60 days before the effective date of this standard the information necessary to decipher the characters contained in the second section of its vehicle identification numbers as required by S4.5.2, and to determine whether the year designation required by S4.5.3.1 represents the calender year or the model year. Any amendments to this information shall be submitted at least 60 days before affixing a vehicle identification number utilizing an amended coding.

S6.4 Information required to be submitted under this section shall be addressed to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20510, Attention: VIN Coordinator.

Interested persons are invited to submit comments on the proposal. It is requested by not required that 10 copies be submitted. 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.

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 Nelson Erickson of the Office of Crash Avoidance and Frederic Schwartz, Jr., of the Office of Chief Counsel.

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).)

Issued on January 10, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-1052 Filed 1-13-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status for the African Elephant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the African elephant (*Loxodonta africana*) as a Threatened species. Also proposed are four options regarding regulation of the importation and utilization of this species in the United States (based mainly on concern for the effects of the ivory trade). A review of the status of the African elephant has shown that it is declining seriously in many parts of its range, and that illegal poaching for ivory is a major factor in the decline. This rule, including the particular regulations on utilization that are adopted, would provide additional protection to the species.

DATES: Comments from the public must be received by March 20, 1978.

ADDRESS: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

For the last several years the Service has been concerned about various reports that the African elephant is declining in many areas, largely because of intensified killing for ivory. On August 18, 1977, the Service was petitioned by the Fund for Animals (1765 P Street NW., Washington, D.C. 20036) to "protect the African elephant as an endangered species." The Service decided that this petition presented insufficient data on which to base a proposed rulemaking. The Service did, however, expand its own status review, and also, on November 23, 1977, telegrammed Dr. Iain Douglas-Hamilton, Chairman of the Elephant Specialist Group of the International Union for the Conservation of Nature and Natural Resources (IUCN). Dr. Douglas-Hamilton has completed two years of a three-year survey of the African elephant, sponsored by the IUCN and World Wildlife Fund. Douglas-Hamilton cabled a summary of his data to the Service on December 8, 1977, and, at the expense of the U.S. Government, he personally traveled to Washington, D.C., to present information to the House Merchant Marine and Fisheries Committee, and to the staff of the Service's Office of Endangered Species. On the basis of this and other available information, the Service considers that the African elephant should be proposed for listing as Threatened, under provisions of the Endangered Species Act of 1973.

The Service also recognizes that the conservation of the elephant is intimately associated with the ivory trade. It would be advisable to carefully control commercial activity for the welfare of the species, and quite possibly for the ultimate benefit of the trade itself. Nevertheless, it may not be advisable to completely stop commerce or, insofar as can be accomplished by the Service, importation into the United States. Substantial amounts of ivory are collected from elephants that die of natural causes or are killed legally to protect human life or property. A limited number of elephants can be killed each year, and their ivory used, without detriment to overall populations. The sale of such ivory could result in extra funds for conservation programs, or at least could provide an economic incentive for such programs. On the other hand, legal sales may stimulate poaching, and it may be impossible to determine how a particular product was obtained. The Service acknowledges that it has no ready answer to the problem, and so, for the first time in a proposal of this kind, is issuing a series of options that may be considered by the public, scientific community, government officials, and commercial interests. The Service will evaluate comments received from these sources, as well as other information that is obtained, in deciding which option to utilize in any final rulemaking.

Under each option the African elephant would be listed as Threatened. Considering the history of exploitation of the species, its considerable loss of habitat and range, and its recent drastic declines in some areas, there is little doubt that such a classification is warranted. Nonetheless, the species does not seem to fall in the more restrictive category of Endangered, as there are still certain very large populations, some of which are stable and carefully protected.

Option I would simply apply all the standard prohibitions for Threatened species to the African elephant, and essentially would end legal commercial import of ivory and other elephant products into the United States. Permits for exceptions, however, would be available, and would include economic hardship permits that could allow some otherwise prohibited commercial activity for a limited period.

Option II would allow importation and other utilization of elephant products from nations that had ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The African elephant is on Appendix II of the Convention, which means that import into the United States is allowed if the nation of origin issues an export permit. An export permit is only to be issued if the item involved was taken legally, and if export will not be detrimental to the species. The United States has ratified the Convention, and under this option would be accepting the judgment of its fellow members.

Option III would allow importation only from nations that could provide satisfactory certification and evidence that exports to the United States would be consistent with the conservation of the African elephant. This option would give the United States a basis for evaluating the conservation programs of exporting countries in which the species is present.

Option IV would provide for importation from countries that may not have elephant populations, if such countries could demonstrate that the product involved originated in a nation meeting the criteria in Options II or III. Such an arrangement could be important, as most ivory that enters the United States probably first goes through a transient country where the raw material is made into a finished product.

In any final rulemaking, the Service may issue some variation of one or more of these options, but does not presently contemplate issuing a measure that is more restrictive than those proposed. The Service will consider comments and suggestions that call for regulations other than the specific choices set forth below.

SUMMARY OF FACTORS AFFECTING THE SPECIES

Section 4(a) of the Act states that the Secretary of the Interior may determine a species to be Endangered or Threatened because of any of five factors. These factors, and their application to the African elephant, are listed below.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The African elephant originally occupied all of Africa, except for extremely dry areas, and it probably inhabited the territory of every existing nation on the continent. Its range once included the Mediterranean coast, the lower Nile Valley, and possibly parts of southwestern Asia, but it probably had been exterminated in these areas by about 2,000 years ago. More recently, the species has disappeared in the countries of Afars and Issas, Gambia, Guinea-Bissau, Lesotho, Swaziland, and Western Sahara. The elephant still occurs in all other African countries to the south of the Sahara Desert, but its range has been restricted considerably in most of them. This is especially true in western and southern Africa, where the species has held out only in remote border areas or in small, isolated patches of suitable habitat. Throughout nearly its entire remaining range, however, the elephant is progressively losing habitat to the expanding human population and associated agricultural development. Many elephants are killed directly because they are considered a threat to man and his crops and settlements, and others die because remaining habitat cannot support them. Certain elephant "popoulation explosions" have received much publicity, but these often are associated with forced crowding imposed by man, and, in any case, represent only a small percentage of the overall range of the species.

According to information provided by Douglas-Hamilton, the African elephant is known to be declining in 18 of 33 countries where it still survivies, and in five of these the decrease is rapid. In two other countries, with comparatively small remaining populations, there is a decline in some areas, but an increase in others. Of the other countries, no data are available for eight, populations are reportedly stable in four (though three of these have only small remnant populations), and numbers are increasing in one (Somalia).

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Because of its ivory, the African elephant is among the world's most commercially valuable animals. The species has been hunted for this purpose since ancient times, but exploitation greatly increased as Africa was opened to the outside world in the nineteenth and twentieth centuries. Within the last few years illegal killing has increased along with a ten-fold rise in the price of ivory, and this factor has become of major concern in the conservation of the elephant. For example, poaching appears to have been largely responsible for a drastic reduction of elephants in Uganda, and for eliminating nearly half of the elephants in Kenya, since the early 1970's. The still substantial populations in eastern and central Africa are threatened with further reduction, and the remnant populations in western Africa could be entirely wiped out, if large-scale poaching continues.

3. *Disease or predation.* Not major factors in current situation.

4. *The inadequacy of existing regulatory mechansisms.* It always has been difficult for most African nations to enforce wildlife laws, because of a lack of funds and trained personnel, and because of the vast, remote areas that are involved. Nonetheless, while elephant poaching has long been a problem, protective regulations were somewhat effective until the early 1970's. At that time, partly in response to the world monetary situation, there began an intensified demand for ivory as a hedge against inflation, and the price rose sharply. There thus was a greater incentive for many more people to carry out illegal hunting and trade, and local enforcement measures became ineffective in some areas. In addition, there seems to be little regulation of international commerce. Large quantities of illegally taken ivory apparently is being sent out of African countries, and is being purchased overseas. If means could be found to insure that only lawfully taken ivory could be imported by other countries, the incentive for poaching would be greatly reduced.

5. *Other natural or manmade factors affecting its continued existence.* None now known to be significant.

Effect of the Rulemaking

If finalized, this rulemaking would designate the African elephant as a Threatened species, and would include a special regulation that would apply the provisions of 50 CFR 17.31, and possibly additional provisions relative to utilization of elephant products. The prohibitions of 50 CFR 17.31, with respect to foreign species, are essentially the same as those for Endangered species, as set forth in Section 9(a)(1) of the Act and implemented by 50 CFR 17.21. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species (except as may be provided in the regulation). It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. In accordance with 50 CFR 17.32, permits for Threatened wildlife are available for scientific purposes, enhancement of propagation or survival, economic hardship, zoological exhibitions, educational purposes, or special purposes consistent with the purposes of the Act.

Other effects of this rulemaking would depend upon what particular option was adopted with respect to utilization of elephant products. In the case of Option I the import, export, and interstate or foreign sale or transportation of elephants, or their parts and products, would be restricted considerably, and would be allowed only if the criteria specified for permits (including economic hardship permits) were met. In the case of the other options, commerce in ivory and other products, as well as sport hunting, would be affected to a lesser extent provided the products involved were derived from countries meeting the designated conditons.

National Environmental Policy Act

An environmental assessment is being prepared in conjunction with this proposal. A draft thereof is presently on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted be as effective as possible in the conservation of the African elephant, without causing undue hardship to any persons. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned govermental agencies, the scientific community, or any other interested party, on the options proposed below, or on any other reasonable measures that are in accord with the intentions of this proposal. Final promulgation of regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

The primary author of this document is Ronald M. Nowak, Office of Endangered Species, 202-343-7814.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations as set forth below:

1. It is proposed to amend § 17.11 by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife and Plants:

§ 17.11 Endangered and threatened wildlife.

SPECIES			RANGE				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Mammals:							
Elephant, African	Loxodonta africana	N/A	Africa	Entire	T		17.40(e)

2. It is proposed to amend § 17.40 by adding the following paragraph (e):

§ 17.40 Special Rules—Mammals.

* * * * *

(e) African elephant (*Loxodonta africana*). (1) Except as provided in paragraph (e)(2) below, the prohibitions referred to in § 17.31(a) shall apply to any African elephant, alive or dead, including any part, product, or offspring thereof. (With respect to exeptions, the following options are proposed. One of these options, not necessarily with the same wording that follows, would be included in any final rulemaking.)

OPTION I

(2) The provisions of § 17.32 shall aply to the above wildlife.

OPTION II

(2) The prohibitions of paragraph (e)(1) do not apply to the above wildlife when imported into the United States from a nation that has ratified or acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, if such importation complies with Article IV of the Convention.

OPTION III

(2) the prohibitions of paragraph (e)(1) do not apply to the above wildlife when imported into the United States from a nation that has provided to the Service satisfactory certification and evidence that it has an effective conservation program for the African elephant and that exportation to the United States is consistent with such conservation.

OPTION IV

(2) The prohibitions of paragraph (e)(1) do not apply to the above wildlife imported into the United States from a nation that has provided to the Service satisfactory certification and evidence that: (1) such wildlife originated from a nation that has ratified or acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and was exported from that nation in accordance with article IV of the Convention; or (2) that such wildlife originated from a nation that has an effective conservation program for the African elephant and that the exportation of such wildlife from that nation is consistent with such conservation.

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

Dated: January 10, 1978.

F. EUGENE HESTER,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78-1073 Filed 1-13-78; 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.

[4310-10]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with the Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on February 1-2, 1978, in Washington, D.C. The entire meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665, as amended, Pub. L. 94-422) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretaries of the Interior; Housing and Urban Development; Commerce; Treasury; Agriculture; Transportation; State; Defense; Health, Education and Welfare; and Smithsonian Institution; the Attorney General; the Administrator, General Services Administration; Chairman of the Council on Environmental Quality; Chairman of the Federal Council on the Arts and Humanities; Architect of the Capitol; Chairman of the National Trust for Historic Preservation; President of the National Conference of State Historic Preservation Officers; and twelve non-Federal members appointed by the President.

The meeting will begin at 9 a.m. on Wednesday and Thursday, February 1-2, 1978, at the Cash Room, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

A major item of business will be a discussion of the proposed National Heritage Program

The agenda for the meeting includes the following:

I. Report of the Executive Director.
II. Report of the General Counsel.
III. Report of the Director of Intergovernmental Programs and Planning.
IV. Report of the Office of Review and Compliance.
V. Report of the Director, Office of Special Studies.
VI. Other business.

For reasons of security in Federal buildings, those wishing to attend must have a Government Identification Card, or notify the Council prior to the meeting of their name, address, and social security number. Notify the Council in writing at Suite 530, 1522 K Street NW., Washington, D.C. 20005, or call 202-634-4153.

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 530, 1522 K Street NW., Washington, D.C. 20005, 202-254-3974.

Dated: January 10, 1978.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc. 78-1061 Filed 1-13-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A550]

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Harlan County, Ky., as a result of heavy rains, winds, and flooding November 6 and 7, 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 Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than June 28, 1978, for physical losses and January 2, 1979, 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 6th day of January 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-1046 Filed 1-13-78; 8:45 am]

[3410-07]

[Notice of Designation Number A551]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Alleghany County, N.C., as a result of drought April 1 through July 31,1977.

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 Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. James B. Hunt, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than June 28, 1978, for physical losses and January 2, 1979, 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 6th day of January 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-1047 Filed 1-13-78; 8:45 am]

[3410-16]

Soil Conservation Service

ADA MUNICIPAL AIRPORT CRITICAL AREA TREATMENT, RC&D MEASURE, OKLAHOMA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ada Municipal Airport Critical Area Treatment RC&D Measure, Pontotoc County, Okla.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for critical area treatment. The planned works of improvement include shaping and vegetation of waterways and other disturbed areas, installation of concrete channel liners in selected locations in the waterways, grade stabilization structures, and diversion terraces.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-1074 Filed 1-13-78; 8:45 am]

[3410-16]

CITY OF EAST JORDAN HARBOR RC&D MEASURE, MICHIGAN

Intent Note To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of East Jordan Harbor RC&D Measure, Charlevoix County, Mich.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include approximately 910 feet of rock riprap to control shoreline erosion on land owned by the City of East Jordan and the Michigan Department of State Highways and Transportation. Total construction costs are approximately $105,400: $79,050 RC&D funds and $26,350 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Servie.

[FR Doc. 78-1075 Filed 1-13-78; 8:45 am]

[3410-16]

HUNGRY HALL RC&D MEASURE, SOUTH CAROLINA

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil conservation Service Guidelines (7 CFR Part 650); the Soil conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Hungry Hall RC&D Measure, Clarendon and Sumter Counties, S.C.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. However, in compliance with published Soil conservation Service Guidelines, Mr. George E. Huey, State Conservationist, has determined that an environmental impact statement will be prepared for this measure.

The measure concerns a plan to reduce flooding and provide drainage outlets in this 1,680-acre agricultural watershed. The planned works of improvement include approximately 3.7 miles of multiple purpose channel work on ephemeral and intermittent streams with bottom widths ranging from 3 to 8 feet.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. George E. Huey, State Conservationst, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Columbia, S.C. 29210.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-1076 Filed 1-13-78; 8:45 am]

[3410-16]

OLIVER RECREATION FACILITIES, PUBLIC WATER-BASED RECREATION RC&D MEASURE, NEBRASKA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oliver Recreation Facilities, Public Water-Based Recreation RC&D Measure, Kimball County, Nebr.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project measure concerns a plan for providing public recreation facilities on the 272 surface acre Oliver Reservoir. The planned works of improvement include picnic tables, camping facilities, sanitary facilities, boat ramp and dock, nature trails, and beach swimming facilities.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, U.S. Courthouse, Room 343, Lincoln, Nebr. 68508. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-1077 Filed 1-13-78; 8:45 am]

[3410-16]

ONAWAY AREA COMMUNITY SCHOOLS RC&D MEASURE, MICHIGAN

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Onaway Area Community Schools RC&D Measure, Presque Isle County, Mich.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include three grade stabilization structures and 4 acres of seeding and mulching for critical area treatment. Three recreation walkways, 700 feet of fencing, and 900 feet of a tree and shrub barrier will direct student traffic to proper access points. Total construction costs are approximately $17,100: $12,300 RC&D funds and $4,800 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-1078 Filed 1-13-78; 8:45 am]

[3410-16]

SUNSET COFFEE MILL FLOOD PREVENTION RC&D MEASURE, HAWAII

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sunset Coffee Mill Flood Prevention RC&D Measure, Hawaii County, Hawaii.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention in the general area of the Sunset Coffee Mill. The planned works of improvement include construction of a diversion which will begin above the mill, cross Napoopoo Road, and outlet onto the aa lava beds on the Ka'u side of the mill. Construction can be accomplished within 1 year. The diversion will be approximately 830 feet long and 40 feet wide, with two 8 x 15 feet box culverts carrying floodwaters under the Napoopoo Road.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Room 4316, Prince Kuhio Federal Building, 300 Ala Moana Boulevard, P.O. Box 50004, Honolulu, Hawaii 96850. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 15, 1978.

Dated: January 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, (16 U.S.C. 590a-f, q).)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-1079 Filed 1-13-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 31561; 31672; Order 78-1-15]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaints Regarding North/Central and South Pacific Budget Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1978.

By tariff revisions[1] effective on November 18, 1977, December 9, 1977, and February 5, 1978, Pan American World Airways, Inc. (Pan American) proposes to establish new Budget fares between Honolulu and points in the continental United States, on the one

hand, and various points in the Far East and South Pacific, on the other hand.[2] The proposed budget fares represent discounts of 40 to 50 percent from normal economy fares, would be available throughout the year, and would apply to one-way as well as roundtrip travel. The conditions applying to the fares are similar to those which apply to the New York-London Budget fare: the passenger selects the week of departure, and must purchase the ticket at least 21 days before the beginning of that week; the carrier assigns the passenger a specific flight and date on the basis of seat availability, and provides written notification seven to 14 days before the week of departure; voluntary cancellations are subject to penalty of 50 percent of the fare paid; and no stopovers are permitted. The proposed fares would also be subject to various weekly capacity limitations; in the U.S.-Japan market, for example, approximately 15 percent of Pan American's economy-class seats per week would be allocated to the Budget fare.[3] These are maximum capacity restrictions; i.e., the carrier may assign fewer Budget-fare seats during weeks when normal-fare demand is high.

Pan American contends that the proposed fares will benefit the public as well as the carrier, generate a substantial increase in U.S.-Asia travel, and introduce an entire new market of American tourists to the Orient; these are fill-up fares, which will improve utilization of existing scheduled capacity without reducing the availability of seats for normal-fare passengers or affecting overall capacity levels; even during a sample peak-season week with fairly high average load factors, ample space was available on certain days; Budget-fare traffic is expected to represent about five percent of Pan American's total scheduled U.S.-North/Central and South Pacific revenue passenger-miles (RPM's); at least 50 percent of Budget-fare RPM's would represent newly generated traffic; little diversion from charter carriers is likely since present charter fares are lower, and charters offer the convenience of firm departure and return dates in contrast to the uncertainties associated with the Budget fare; diversion from normal-fare scheduled service would also be limited since the conditions of the Budget fare would discourage or prevent its use by business travelers with short stays and definite time commitments, tourists with limited and specific vacation periods, and other travelers whose plans are relatively inflexible; Pan American has noted no significant diversion from higher fares to the Budget fare in the New York-London market; the proposed fares will produce a net profit improvement for Pan American even if the generation/diversion ratio falls far short of expectations; no serious handling problems have developed in connection with the New York-London Budget fare; and the additional expense resulting from the novel reservation procedure has been minimal in the New York-London market and is decreasing rapidly as travel agents and the public become more familiar with the concept.

In complaints filed October 25 and November 14, 1977, Trans International Airlines, Inc. (TIA), requests the board to suspend and investigate these fares, on the ground that they are predatory both in intent and in level. Answers to TIA's complaints have been filed by Pan American and by the Department of Justice (DOJ), which supports Pan American's position. The arguments raised by the various parties are presented in detail in the attached appendix.

The Board has determined that TIA's complaints do not provide sufficient grounds for suspension and investigation of the proposed transpacific Budget fares. We have repeatedly expressed our commitment to greater fare competition and to reductions for scheduled service wherever economically feasible. In the North/Central and South Pacific, such innovative proposals are long overdue. Charter competition in these markets has been severely restricted by foreign governments, and, as DOJ notes, scheduled service has been characterized by high normal fares. In this context, the Budget fares represent a major innovation, offering the public a significantly wider range of price/quality options as well as the immediate benefit of reductions on scheduled service. In light of the capacity now available in these markets and the low breakeven generation ratio required, the proposed fares should also improve the economics of Pan American's scheduled Pacific service. They cover noncapacity costs, partially offset capacity costs, and are subject to capacity controls. Insofar as the Budget fares generate new traffic to utilize existing capacity, they will improve the carrier's financial position. Moreover, the factors which led us to give only conditional approval to the New York-London Budget fare do not appear to be problems here. One central concern in that case was the low level at which it was set, in relation to the cost and quality of the service offered. The proposed transpacific fares do not constitute as deep a discount and are substantially higher than the New York-London fare on a per-mile basis.[4] Furthermore, while the threat to charter competition was a primary concern in the transatlantic market, no comparable risk exists here. The U.S.-Hong Kong charter market, the only one which might be immediately affected, represents only five percent of TIA's system RPM's. Even the total loss of this market to the Budget fare (an unlikely outcome) would not endanger TIA's survival.

We do not consider Pan American's 3-week delay in filing its South Pacific proposal after its North/Central Pacific persuasive evidence of predatory intent in the latter areas, as charged by TIA. Both the North/Central and South Pacific proposals would introduce the Budget fare in a wide range of markets, including monopoly and near-monopoly markets as well as those in which Pan American faces significant scheduled or charter competition. Under these circumstances, it is not at all clear that the Budget fare represents a predatory response to TIA's transpacific charter operations or to TIA's application for U.S.-Tokyo/Hong Kong scheduled route authority.[5] It seems highly unlikely

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[1] Revisions to Tariff CAB No. 67, issued by Air Tariffs Corporation, Agent. The proposed North/Central Pacific fares would become effective for travel on January 15, 1978, and the South Pacific fares on February 5, 1978 (with the exception of the Pago Pago fare, which became available for travel on December 30, 1977).

[2] Continental U.S. points include New York and west coast gateways (Los Angeles, Portland, San Francisco, Seattle); North/Central Pacific points include Bangkok, Guam, Hong Kong, Manila, Okinawa, Osaka, Singapore, Taipei, and Tokyo; South Pacific points include Auckland, Melbourne, Nadi, Pago Pago, Papeete, and Sydney.

[3] Pan American proposes the following maximum Budget-fare capacity limitations, in each direction:

	Seats per week
North/Central Pacific:	
United States to Bangkok	100
United States to Guam	300
United States to Hong Kong	400
United States to Japan	1,300
United States to Manila	250
United States to Singapore	100
United States to Taipei	100
Total	2,550
South Pacific:	
United States to Australia	250
United States to Fiji Islands	50
United States to New Zealand	125
United States to Samoa	125
United States to Tahiti	50
Total	600

[4] The New York-London Budget fare is 3.7¢/mile, while the Los Angeles-Tokyo fare, for example, would be 4.73¢/mile.

[5] On August 19, 1977, TIA filed an application in Docket 31297 for a certificate of public convenience and necessity to provide scheduled low-fare service with 376-seat DC-10 equipment in the Los Angeles/San Francisco/Seattle/New York/Chicago-Tokyo/Hong Kong markets. TIA states that it plans to offer west coast-Hong Kong service at $299 one-way, and New York-Hong Kong service at $349 one-way, as compared with Pan American's proposed one-way Budget fares of $349 and $429, respectively, for these routes. TIA's request for expedited

that any carrier would propose discounts of this magnitude in fifteen major markets—including monopoly markets—simply to disguise its predatory intent with regard to a single carrier's competitive charter service in a single market or the possibility of scheduled low-fare competition in two markets. Moreover, the proposed round-trip Budget fares exceed those charged by TIA for charter and proposed for scheduled service by a considerable margin in every case, and insofar as travelers in these markets continue to require firm departure and return dates—a convenience not available with the Budget service—TIA's services have a competitive advantage.

Significant diversion from TIA's present operations seems unlikely, unless, as it claims, a large portion of the U.S.-Hong Kong charter market consists of one-way or extended stay travelers, who would find the flexibility and lower cost of the one-way Budget fare preferable to the rigid travel requirements of advance-booking charters. Such a market characteristic could undermine TIA's round-trip price and service advantage and lead to a greater disruption of charter services than might otherwise occur. TIA has, however, provided no data documenting the extent of this one-way traffic, and we find its assertions highly speculative in this long-haul market. Nor are we persuaded that TIA will be unable to adjust to new scheduled fares by making suitable competitive responses, particularly in view of our recent liberalization of charter rules. We will, therefore, continue to follow our policy of permitting scheduled carriers wide latitude in developing innovative, low-fare services.

Accordingly, it is ordered, That:

The complaints of Trans International Airlines, Inc., in Dockets 31561 and 31672 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[6]
Secretary.

POSITIONS OF THE PARTIES

In its complaints, TIA argues that Pan American has proposed these fares in direct response to TIA's successful U.S.-Hong Kong charter program and TIA's application for scheduled low-fare route authority between U.S. points and Tokyo/Hong Kong; Pan American's predatory intent is clear from the fact that the carrier originally filed Budget fares only over the North/Central Pacific, where charter competition exists, and not on the South Pacific, where Pan American faces little or no competition; Pan American submitted its South Pacific proposal only after TIA had filed its complaint against the North/Central Pacific fares, and only in a "transparent attempt" to disguise the predatory intent behind the original filing; contrary to Pan American's contention, these Budget fares would be particularly attractive to TIA's transpacific charter passengers, many of whom travel on advance-booking charters (ABC's) for extended visits to the Far East and fail to use their return ABC tickets; these passengers would clearly find the flexibility and one-way transportation offered by the Budget fare preferable to the rigid round-trip group-travel requirements of the ABC; the proposed capacity limit of 400 seats/week in each direction in the U.S.-Hong Kong market would be sufficient to accommodate TIA's entire Hong Kong charter program; the level of the Budget fare is far below Pan American's experienced cost of scheduled operations in both the North/Central and the South Pacific markets[1]; the Board has found normal fares in the Pacific to be in excess of costs by a considerable margin, and Pan American is relying upon these excessively high normal fares to cross-subsidize the proposed Budget fares; the 50/50 generation/diversion ratio forecast by Pan American seriously underestimates the amount of diversion likely to occur, and is based on an invalid and unsupported comparison with the New York-New York-London Budget fare[2]; should the Board suspend the proposed Pacific fares as TIA requests, there is no legal basis for the President to reverse that decision on grounds of "foreign economic policy," since the matter involves two competing U.S. carriers and thus falls entirely within the jurisdiction of the Board; and, if these fares are not suspended, to preserve any meaningful level of charter competition in the Pacific, the Board must take immediate action to authorize one-way ABC's and to assure that liberalized country-of-origin charter rules will be accepted by each country to which the Budget fare would be available. TIA also requests the Board to expedite its consideration of TIA's certificate application for low-fare scheduled route authority, and/or to grant the carrier interim authority to offer its proposed U.S.-Tokyo/Hong Kong scheduled service, pending disposition of that application.

In response to TIA's complaints, Pan American argues that even if the proposed Budget fare were likely to eliminate TIA's U.S.-Hong Kong charter program, there is no basis for suspending Budget fares in other Pacific markets, since TIA is not entitled to protection in markets where it has no presence; the U.S.-Hong Kong market accounts for less than five percent of TIA's system traffic, and thus even the complete diversion of TIA's U.S.-Hong Kong traffic to the Budget fare would not jeopardize TIA's survival; few of TIA's U.S.-Hong Kong passengers would in fact be diverted, given the higher price and greater uncertainty of the Budget fare; TIA's claim that much of its charter traffic consists of one-way or extended-stay passengers who would find the Budget fare attractive is not only unsupported, but inconsistent with the demonstrated seasonality of the U.S.-Hong Kong market; if a significant amount of one-way traffic does exist, Pan American's one-way Budget fare is clearly in the public interest, and there is no economic or public-policy justification for continuing to require such one-way passengers to pay the higher roundtrip charter fare.

Pan American contends further that TIA's complaint is "inaccurate and misleading" in characterizing the fact that Pan American initially filed Budget fares only in the North/Central Pacific as clear evidence of predatory intent; TIA's allegation that the Budget fare is uneconomic based on a comparison of Budget-fare yields and average costs, is invalid since the proposed fares are fill-up fares, designed to utilize existing excess capacity, and capacity costs must therefore be excluded from the analysis; the appropriate cost measure for comparison is load and revenue-related passenger expense, which is amply covered by Budget-fare yields[3]; the Budget fares will not be cross-subsidized by normal economy fares, since the cost of carrying an economy-fare passenger exceeds average cost "by a substantial margin"; Pan American's estimated 50/50 generation/diversion ratio is well above the breakeven level; in any event, the generation/diversion question can only be resolved by actual experience with the proposed fares; there is no basis for denying the public benefit of the Budget fare pending disposition of TIA's certificate application for U.S.-Tokyo/Hong Kong scheduled authority or the liberalization of charter rules in the Pacific, since TIA is not entitled to protection from competition for scheduled or charter services which it does not yet have the authority to operate; and TIA's proposed scheduled service, if approved, would have a distinct competitive advantage over the higher-priced, more restrictive Budget fares in the U.S.-Tokyo/Hong Kong markets, and would not be entitled to special protection from competition in any case.

consideration of its application for scheduled route authority will be dealt with in a subsequent order.

[6] All Members concurred.

[1] TIA notes that Pan American forecasts an average Budget-fare yield of 5.03 cents/RPM, compared to an average cost of 7.56 cents/RPM, for North/Central Pacific scheduled operations, and an average yield of 5.30 cents/RPM, compared to an average cost of 7.13 cents/RPM, in the South Pacific.

[2] TIA states that a comparison of the proposed fares with the New York-London Budget fare is questionable in any event, since: (a) the transatlantic market has three new discount fares, whereas only the Budget fare will be available in the Pacific, and any estimate of diversion in the New York-London market should therefore include diversion to all three low fares, not simply to the Budget fare; (b) the proposed fares constitute a much greater reduction from existing discount fares in the Pacific than is the case with the Budget fare in the New York-London market, where APEX fares were already widely available; (c) Pan American has provided no data to support its claim that diversion to the New York-London Budget fare has been insignificant; and (d) the transatlantic Budget fare has been filed only for the off-peak season, whereas the Pacific fares would apply throughout the year.

[3] Pan American states that its forecast Budget-fare yield of 5.03 cents/RPM on the North/Central Pacific would cover not only load and revenue-related passenger expense (0.95 cents/RPM), but the cost of the capacity actually used by Budget-fare passengers as well (1.74 cents/ASM).

In support of the proposed fares, DOJ states that entry restrictions and collusive IATA fare-setting have led to excessive fares for scheduled service, wasteful excess service competition, and unnecessarily high carrier costs; this protective arrangement is especially undesirable in the Pacific, where restrictive charter rules imposed by foreign governments largely preclude low-fare charter competition; because charter operations in the Pacific are so limited, the proposed Budget fares pose no threat to the survival of TIA or other supplemental carriers; the proposed fares could nevertheless threaten TIA's U.S.-Hong Kong charter program, and would compete with TIA's proposed low-fare U.S.-Tokyo/Hong Kong scheduled service; there is no basis, however, for suspending the Budget fare to destinations other than Tokyo and Hong Kong; measures short of suspension would be sufficient to protect TIA's interest in the U.S.-Hong Kong charter market;[4] and there is no reason to deny the public the benefits of the Budget fare in the Tokyo and Hong Kong markets pending possible inauguration of scheduled service by TIA, particularly since the acceptability of TIA's proposed service to the foreign governments concerned is still uncertain. DOJ strongly supports low-fare innovations in scheduled service, and recommends that the Board allow Pan American's proposed Budget fares to take effect.[5]

[FR Doc. 78-1105 Filed 1-13-78; 8:45 am]

[6320-01]

[Docket No. 31550]

PRIMERAS LINEAS URUGUAYAS DE NAVEGACION AEREA

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on January 16, 1978 (42 FR 63805, December 20, 1977), is postponed indefinitely.

Dated at Washington, D.C. January 10, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-1104 Filed 1-13-78; 8:45 am]

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[4]DOJ notes that, to support the preservation of U.S.-Hong Kong charter service, the Board could (a) obtain an agreement with the British Government allowing the Board to suspend the U.S.-Hong Kong Budget fare after it becomes effective, should the fare prove to be predatory, and/or (b) increase competitive opportunities in the U.S.-Hong Kong market by liberalizing charter rules (provided such rules are acceptable to the British Government as well).

[5]DOJ also urges the Board to act favorably and expeditiously on TIA's certificate application for scheduled U.S.-Tokyo/Hong Kong route authority.

[6320-01]

[Docket No. 28866; Order 78-1-34]

SINGAPORE AIRLINES LTD.

Order to Show Cause Regarding Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of January 1978.

On February 12, 1976, Singapore Airlines Ltd. (SIA), a carrier wholly owned by the Government of Singapore, applied for a foreign air carrier permit authorizing the transportation of property and mail between a point or points in the Republic of Singapore, the intermediate points Hong Kong, Guam, and Honolulu, Hawaii, and the terminal point Los Angeles, California.[1]

On July 1, 1976, following a public hearing, Administrative Law Judge Janet D. Saxon issued her decision recommending, on principles of comity and reciprocity, that a permit be granted to SIA, subject to certain conditions, for a period of one year.[2]

By Order 76-12-142, December 27, 1976, the Board deferred further action on SIA's application (as well as on an application by Garuda Indonesian Airways), citing the unsettled state of bilateral relations between the U.S. and Singapore, Indonesia, the U.K. (over Hong Kong), and the Philippines, and the desirability of waiting until route rights could be exchanged with those countries in negotiations then underway. The Board nevertheless stated that,

> We will, of course, be prepared to act, promptly on the SIA or GIA applications for route authority which is the product of a bilateral air transport agreement between their governments and the United States.

During the period September 19-23, 1977, civil aviation negotiations between Singapore and the United States were held in Washington, D.C., and resulted in a series of ad referendum agreements recorded in a Memorandum of Consultation signed on September 23, 1977. This Memorandum provides new authority for SIA and U.S. carriers, recognizes country-of-origin charterworthiness rules,[3] and commits both governments to encouraging their respective designated carriers to provide services at the lowest possible rate that can be justified economically. We anticipate that these provisions will enable carriers to develop innovative consumer-oriented low-rate services between the United States and Singapore; services that will benefit the carriers, travelers and shippers of both countries.

The Memorandum of Consultation establishes a route for both combination and all-cargo operations by the designated carriers of Singapore:

> between Singapore, on the one hand, and Guam, Honolulu, and San Francisco, on the other via Hong Kong.

It imposes no frequency restrictions on Third and Fourth Freedom traffic but does impose a frequency limitation on Fifth Freedom traffic that is applicable equally to the carriers of both countries.[4]

On November 23, 1977, SIA filed an amendment to its application to conform it to the new bilateral agreement, by substituting San Francisco for Los Angeles as the West Coast gateway on flights to Singapore.[5] In all other respects its application is identical to the one considered by Judge Saxon. In a motion filed on December 1, 1977, SIA suggests that in these circumstances there is no need for a further hearing and that the Board should issue a tentative Opinion and Order to Show Cause authorizing the all-cargo service contemplated by the Memorandum of Consulation. Flying Tiger and Pan American have both filed answers supporting SIA's motion.

In view of the foregoing and all the facts of record, the Board tentatively finds that:

1. The concerns which led to the Board's order of deferral have been resolved and prompt action on the SIA application, as amended in conformity with the Memorandum of Consultation, is warranted;

2. Singapore Airlines Limited is wholly owned by the Government of Singapore and effectively controlled by nationals of Singapore;

3. It is in the public interest to issue a foreign air carrier permit to Singapore Airlines Ltd. authorizing it to engage in foreign air transportation of property and mail in scheduled service over a route between a point or points in Singapore, the intermediate points Hong Kong, a British Crown Colony, Guam, and Honolulu, Hawaii, and the terminal point San Francisco, Calif.

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[1]The application was subsequently amended to prohibit transportation of commercial traffic on westbound flights from the United States points to Hong Kong.

[2]Exceptions were filed by the Bureau of Operating Rights, Flying Tiger and SIA.

[3]These rules govern the restrictions with which a charter operator must comply to distinguish the operation from scheduled service. Examples include requirements of advanced purchase of tickets and minimum duration of the trip.

[4]The frequency condition for both combination and all-cargo service is: 3 frequencies per week at inauguration; 4 frequencies per week from April, 1979; 5 frequencies per week from April, 1980.

[5]Also, its application for Fifth Freedom authority at Hong Kong was expanded to conform to the bilateral.

4. The public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this Show-Cause Order, and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board;

5. Singapore Airlines Limited is fit, willing, and able properly to perform the foreign air transportation described in paragraph 3 and to conform to the provisions of the Act and the rules, regulations, and requirements thereunder;

6. Except to the extent granted here, the application of Singapore Airlines Limited and all other requests in this proceeding should be denied; and

7. An evidentiary hearing is not required in the public interest.[6]

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here, and why a foreign air carrier permit in the form of the specimen permit attached should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Singapore Airlines Ltd.;

2. The exercise of the privileges granted by the permit shall be subject to the conditions that:

(a) From the effective date of this order until March 31, 1979, the holder shall not operate via Hong Kong service in excess of three flights per week; from April 1, 1979 through March 31, 1980, in excess of four flights per week; and from April 1, 1980, in excess of five flights per week.

(b) If the holder does not obtain rights to Hong Kong, another point may be substituted upon execution of an appropriate agreement between the Goverment of the United States and the Government of Singapore.

3. Any interested person having objection to the issuance of an order making final the tentative findings and conclusions here shall, within 10 days after the adoption of this order, file with the Board and serve upon all parties to this proceeding, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If any evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; provided, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it determines that there are no factual issues present that warrant the holding of an evidentiary hearing;[7]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with these tentative findings and conclusions.

This Order will be published in the FEDERAL REGISTER and a copy will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[8]
Secretary.

SPECIMEN PERMIT

CIVIL AERONAUTICS BOARD

PERMIT TO FOREIGN AIR CARRIER

Singapore Airlines Limited is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to property and mail, as follows: Between a point or points in the Republic of Singapore; the intermediate points Hong Kong, Guam, Honolulu, Hawaii; and the terminal point San Francisco, Calif.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Singapore for Singaporean international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Republic of Singapore shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and (2) unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The holder shall not commence service authorized herein except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ————, and shall terminate five years thereafter: *Provided, however,* That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and the Republic of Singapore are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the — day of ————.

PHYLLIS T. KAYLOR,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ———— in Order ————.

[FR Doc. 78-1106 Filed 1-13-78; 8:45 am]

[6] We also tentatively find that our proposed action will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 or constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in § 313.4(a)(1) of the Board's regulations.

[7] Since provision is made for the filing of objections to this Order, petitions for reconsideration will not be entertained.

[8] All Members concurred.

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

AIR BABY, INC., ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from three firms: (1) Air Baby, Inc., 160 LeGrand Avenue, Northvale, N.J. 07647, a producer of mittens and slippers (accepted on December 27, 1977); (2) Kraus Originals, Inc., 1240 South Figueroa Street, Los Angeles,

Calif. 90015, a producer of women's footwear (accepted on December 30, 1977); and (3) Selva & Sons, Inc., 47-25 34th Street, Long Island City, N.Y. 11101, a producer of footwear for men, women and children (accepted on January 6, 1978). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to 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 January 26, 1978.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-1033 Filed 1-13-78; 8:45 am]

[3510-22]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Issuance of Permit to Take Marine Mammals

On November 9, 1977, notice was published in the FEDERAL REGISTER (42 FR 58420), that an application had been filed with the National Marine Fisheries Service by Minnesota Zoological Garden, 12101 Johnny Cake Road, Apple Valley, Minn. 55124, for a permit to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on December 29, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit to Minnesota Zoological Garden, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

Dated: December 29, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 78-1031 Filed 1-13-78; 8:45 am]

[3510-22]

ISSUANCE OF MARINE MAMMAL AND ENDANGERED SPECIES PERMIT

On June 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 31480), as amended on August 2, 1977, (42 FR 39130) that an application had been filed with the National Marine Fisheries Service by Ocean Research and Education Society, Inc., 51 Commercial Wharf 6, Boston, Mass. 02110, for a permit to take by radio-marking 25 Baird's beaked whales (*Berarius bairdii*); and the following endangered species: up to 50 humpback whales (*Megaptera novaeangliae*); 25 sperm whales (*Physeter catodon*); 25 blue whales (*Balaenoptera musculus*); and 25 fin whales (*Balaenoptera physalus*) for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Notice is hereby given that on December 23, 1977, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972, and the Endangered Species Act of 1973 to the Ocean Research and Education Society, Inc., subject to certain conditions set forth therein.

The Permit differs from that of the Permit Holder's original request in that the species and numbers to be taken by radio-marking have been reduced to allow the taking of ten (10) humpback whales until June 1, 1979. The photographic activities and the taking of stranded dead animals as described in the application were granted.

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 this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1972. 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.

The Permit is available for review by interested persons in the following offices.

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Mass. 01930.
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Wash. 98109.
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: December 23, 1977.

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

[FR Doc. 78-1032 Filed 1-13-78; 8:45 am]

[3510-13]

Office of the Secretary

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM (CPILP)

Meeting

A one-day Consumer Seminar will be held between 9 a.m. and 5 p.m. on January 23, 1978 in room 6802, Main Commerce Building, 14th and Constitution Avenue NW., to review certain aspects of the Consumer Product Information Labeling Program with consumer representatives. The Seminar is being arranged for the Department of Commerce by the National Consumers League which has invited participation in the Seminar by local and Washington-based consumer organizations and several consumer-oriented technical experts.

The Comsumer Product Information Labeling Program (CPILP) is a voluntary program administered by the Department of Commerce. The National Bureau of Standards is providing technical support. The objective of the program is to make available to consumers at the point of sale information on consumer product performance in an understandable and useful form. Procedures for the program were published in the FEDERAL REGISTER on May 25, 1977 (42 FR 26647).

During the morning session of the seminar, plans will be reviewed for the development of a performance information labeling specification for thermal insulation. The Department of Commerce announced in the December 14, 1977 FEDERAL REGISTER (42 FR 62946) a finding of need to label thermal insulation for homes, and announced that a proposed performance information labeling specification is being developed for thermal insulation. Performance information labeling specifications contain: (a) a description of the performance charac-

teristics to be included in CPILP labels, (b) an identification of the test methods to be used in measuring these performance characteristics, (c) a prototype label and directions for displaying the label, and (d) conditions for participation in CPILP. Proposed label specifications will be published in the FEDERAL REGISTER for public comment in accordance with section 16.5 of the CPILP procedures.

During the afternoon session of the seminar, the possibility of labeling smoke detectors will be discussed, although a finding of need to label these devices has not been published. Questions to be discussed include the evidence of a need to label smoke detectors, the performance characteristics that could be included on such labels, the test methods that could be used to measure these performance characteristics, and a label design that would present information about smoke detectors in an understandable form.

A limited number of seats will be available to interested observers at the Seminar. Persons desiring to obtain further information about this Seminar should contact Mr. Robert Mills, Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone 202-377-4562.

Issued: January 10, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-1080 Filed 1-13-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Strategic Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on February 1-2, 1978, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including a comprehensive discussion of the Navy's strategic force structure as well as related intelligence items. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209. Phone: (202) OX4-3191.

Dated: January 11, 1978.

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

[FR Doc. 78-1029 Filed 1-13-78; 8:45 am]

[3810-70]

Office of the Secretary

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation to be held Thursday, February 2, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The public meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting will be proposed recommendations for changes in the system of military compensation. The meeting is open to the public, but observers may not participate in the discussion.

Questions or further inquiry should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Suite 520, Washington, D.C. 20001.

JANUARY 11, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 78-1037 Filed 1-13-78; 8:45 am]

[3810-70]

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation that will be held Thursday, February 16, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The public meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting will be proposed recommendations for changes in the system of military compensation. The meeting will be open to the public, but observers may not participate in the discussion.

Questions or further inquiry should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Washington, D.C. 20001.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 11, 1978.

[FR Doc. 78-1038 Filed 1-13-78; 8:45 am]

[3810-70]

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of a public meeting of the President's Commission on Military Compensation. The meeting will be held Thursday, March 2, 1978, in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. The meeting will be convened from 9 a.m. until 12 noon, and will reconvene for an afternoon session (if necessary) at 1:30 p.m. until 4:30 p.m.

The subject of the meeting is proposed recommendations for changes in the system of military compensation. The meeting will be open to the public, but observers may not participate in the discussion.

Questions or further inquiry in this regard should be directed to the President's Commission on Military Compensation, 666 11th Street NW., Suite 520, Washington, D.C. 20001.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 11, 1978.

[FR Doc. 78-1039 Filed 1-13-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. SEPA 78-1]

LAUREL PROJECT, SOUTHEASTERN POWER ADMINISTRATION

Amendment to Notice of Intent to Act on Proposal for Short Term Rates and Charges

On December 20, 1977, the Department of Energy issued a Notice of Intent to Act on Proposal for Short Term Rates and Charges for the Laurel Project, Southeastern Power Administration, 42 FR 64406 (December 23, 1977). The Notice invited interested parties to submit comments relevant to the proposed short term rates by January 23, 1978.

Section 501(c)(1) of the Department of Energy Organization Act, Pub. L. 95-91, requires that an opportunity for the oral presentation of views, data, and arguments be provided if the Secretary of Energy "determines that a substantial issue of fact or law exists or that such rule, regulation, or order is likely to have a substantial impact on the Nation's economy or large numbers of individuals or business * * *." While there has not been such a Secretarial determination, DOE wishes to afford interested parties the opportunity to make oral presentations relevant to the proposed short term rates.

The DOE, therefore, hereby amends the December 20, 1977, Notice, 42 FR 64406 (December 23, 1977), by advising the public that an opportunity for an oral presentation will be afforded upon request. Any person who has an interest in this matter or is a representative of a group of class of persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Office of Regulations Management, Department of Energy, Room 2214, 2000 M St., NW., Box QQ, Washington, D.C., 20461, and must be received before 4:30 p.m., e.s.t., January 23, 1978. The request shall state the name of the person making the request, identify the interest and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, and give a telephone number where the person may be contacted.

DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

It is not contemplated that the public hearing, if any, will be adjudicative in nature. A DOE official will be designated to preside at the hearing and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official. Interested persons, if any, will be directly notified and a notice published in the FEDERAL REGISTER concerning the time, date and location of the public hearing.

Information relevant to this matter, including the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 10, 1978

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems.

[FR Doc. 78-1139 Filed 1-13-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[ERA Docket No. BPA 78-1]

SPECIAL RATE FOR SALE OF THERMAL POWER FROM HANFORD GENERATING PROJECT

Interim Confirmation and Approval, and Intent To Act on Proposal

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Approval of Interim Rates and Intent to Act on Special Rate for the Sale of Thermal Power from the Hanford Generating Project. ERA Docket No. BPA 78-1.

SUMMARY: On December 23, 1977, the Bonneville Power Administration, Resource Applications, Department of Energy, requested the Administrator of the Economic Regulatory Administration to confirm and approve a special rate for the sale of thermal power from the Hanford Generating Project. The purpose of this Notice is to advise the public that: (1) The Administrator has conditionally confirmed and approved the special rate for the period of January 1, 1978, through June 30, 1978, and (2) The Administrator intends to exercise final confirmation and approval authority with respect to the special rate request and to invite interested parties to submit written comments. An opportunity for an oral presentation will be afforded upon request.

DATES: Effective date of interim rate—upon being issued.

Written comments are due on or before February 15, 1978.

Requests for an oral presentation are due on or before January 30, 1978.

ADDRESSES: Requests for an oral presentation and/or ten copies of written comments by interested parties shall be submitted to: Office of Federal Regulations Management, Box RE, Department of Energy, 2000 M Street NW., Room 2214, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Grey Staples, Office of Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Room 538, Washington, D.C. 20461, (202) 254-9782.

Richard S. Ugelow, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461, (202) 566-9296.

SUPPLEMENTARY INFORMATION: Pursuant to section 302(a)(1) and 402(a) of the Department of Energy Organization Act (Pub. L. 95-91) the function to confirm and approve rates for the Federal power marketing agencies was automatically transferred to and vested in the Secretary of Energy on October 1, 1977. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulator Administration.

The Bonneville Power Administration (BPA), Resource Applications, has requested the Economic Regulatory Administration (ERA) to confirm and approve a special rate for the sale of thermal energy from the Hanford Generating Project (Hanford) for the period January 1, 1978, through June 30, 1978.

BPA has advised ERA that the generation of electrical energy at the Federal hydroelectric plants for which BPA serves as marketing agent was curtailed during the 14-month period which preceded the filing of the request by the reason of reduced water flows. Since it appeared that the amount of energy generated during that period might not be sufficient to meet its firm power commitments, BPA retained entitlement to thermal energy from Hanford to satisfy the anticipated deficiency in its electric supply resources and to reduce the drawdown of the reservoirs of the Federal plants. BPA now anticipates that water flows will increase so that the Federal plants will generate sufficient amounts of energy to supply the requirements of its electric system and the Federal reservoirs likely will refill, thereby making unnecessary the retention of additional Hanford thermal energy. BPA intends to include in its contracts for sale of the Hanford energy, a provision that would enable it to recall the energy if needed by BPA to serve its firm loads in the event reservoirs do not refill by July

31, 1978, or the reservoirs have not been operated for flood control purposes.

In order to recover its costs for the retained Hanford energy, BPA proposes to sell energy from the Federal Columbia River Power System, whenever available, at a special rate which will be equivalent to such costs. The total amount of energy to be so sold will not exceed the approximately 1.3 billion kilowatt hours of Hanford energy which was retained by BPA. The sale price will be 10.0 mills per kilowatt-hour. The energy will be offered first to Pacific Northwest Utilities and BPA industrial customers, with electric utilities operating in California being given an opportunity to buy the energy not taken by the Pacific Northwest customers. It is expected that these sales of energy to Pacific Northwest customers and to the California utilities under the proposed special rate will help to alleviate potential energy shortages.

ERA has determined that the public interest will be best served by the approval of BPA's request as an interim special rate. The interim rate of 10.0 mills per kilowatt-hour will remain in effect through June 30, 1978, or until amended by further decision of the Administrator of ERA, which ever occurs first.

The public is invited to submit comments, as set forth in this Notice, relative to the request of BPA. At the conclusion of the comment procedure the Administrator will take final action on the BPA request. If the special rate as finally confirmed and approved by the Administrator is less than 10.0 mills per kilowatt-hour, the overcharges, plus simple interest at the rate of 7 percent per annum, shall be refunded by BPA.

COMMENT PROCEDURES

Interested persons are invited to submit comments with respect to the subject matter set forth in this Notice to: Office of Regulations Management, Box RE, Room 2214, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t. February 15, 1978.

Any person who has an interest in this matter or is a representative of a group or class or persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Office of Regulations Management, Box RE, Department of Energy, Room 2214, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t. January 30, 1978. The request shall state the name of the person making the request, identify the interest represented and if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, give a telephone number where the person may be contacted. DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

It is not contemplated that the public hearing, if any, will be adjudicative in nature. A DOE official will be designated to preside at the hearing, if one is requested, and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

Interested persons, if any, will be directly notified and a Notice published in the FEDERAL REGISTER concerning the time, date and location of the public hearing.

Information relevant to this matter, including public comments, if any, and the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 10, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems.

[FR Doc. 78-1060 Filed 1-11-78; 2:26 am]

[6740-02]

Federal Energy Regulatory Commission

[Project No. 618]

ALABAMA POWER CO.

Application for Approval of Change in Land Rights

DECEMBER 30, 1977.

Public notice is hereby given that an application was filed on April 26, 1976, and amended on November 11, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Alabama Power Co. (applicant) (correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291) for approval of a change in land rights at project No. 618, known as the Jordan Dam project, Project No. 618 is located on the Coosa River in Elmore, Chilton, and Coosa Counties, Ala.

Applicant seeks approval of the conveyance to the Wallsboro-Santuck Water and Fire Protection Authority of an easement over project lands for the purpose of installing and maintaining a water distribution system in sections 6, 8, 9, 10, 14, 15, and 16, T. 19 N., R. 18 E., Elmore County, Ala. The proposed distribution system would include 7.27 miles of 3-inch-diameter plastic pipeline. The lines would be laid a minimum of 30 inches below the ground surface. The proposed system would serve approximately 500 families, and would replace existing lake water systems and individual wells, drawing water instead from the City of Montgomery, Alabama's 20 mgd water treatment plant.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 27, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1065 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER76-781]

MICHIGAN POWER CO.

Order Approving Electric Rates Settlement Agreement

JANUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977 and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission

within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 9, 1977, the Presiding Administrative Law Judge in this proceeding certified to the Federal Power Commission the proposed Settlement Agreement between Michigan Power Co. (Michigan) and the city of Dowagiac, Mich. and the village of Paw Paw, Mich. (hereinafter collectively referred to as the Cities). The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

On May 28, 1976, Indiana Michigan Electric Co. (I&M) filed with the Federal Power Commission a rate increase with respect to electric service to Michigan, its wholly-owned subsidiary, in Docket No. ER76-714. The increase amounted to about $7,254,000 (84.9 percent) based upon Period II 1976 estimated billings. By order issued on June 25, 1976, the Federal Power Commission accepted the proposed increase and suspended it for one month to become effective on July 27, 1976, subject to refund.

On July 14, 1976, Michigan then filed a proposed two-step rate increase to the Cities, its two full requirements municipal customers. The first step of the proposed increase was intended to recover increased purchase power costs occasioned by the I&M filing in docket No. ER76-714[1] and was proposed to become effective on July 27, 1976, the effective date permitted in docket No. ER76-714. The second step of the proposed increase was designed to recover other increases in costs as well as those resulting from I&M's filing and was proposed to become effective on August 13, 1976. The second step increase, based on 1975 test year billing, would have resulted in an annual increase of about $825,000 (100.5 percent). Michigan also tendered a modification of its fuel clause to conform to the Commission's Regulations, and an increase in the minimum monthly billing demand.

By order dated August 12, 1976, the Federal Power Commission denied waiver of its notice requirements with respect to the first step of the increase. The Commission accepted for filing the second step of the increase and the fuel clause revisions and suspended them for two months, to become effective on October 13, 1976, subject to refund. The Commission also granted interventions.

As a result of settlement negotiations, Michigan and the Cities filed a joint motion on August 25, 1977 requesting approval of a proposed settlement agreement between the parties. Notice of the Presiding Judge's certification of the agreement to the Commission was issued on September 19, 1977, with comments due by September 30, 1977. On November 10, 1977, Staff filed a motion out of time in support of the proposed settlement. No other comments have been received.

The proposed settlement would reduce the increase of operating revenues from the approximate $825,000 for which the original filing was made to $606,546 (73.9 percent), based upon 1975 test year billings, and assuming that the settlement agreement between I&M and Michigan, as filed on January 27, 1977 in Docket No. ER76-714, was accepted without change.[2] Based on Staff's analysis, the earned rate of return under the proposed settlement will not exceed Staff's recommended rate of return and return on common equity.

Based on our review of the record in this proceeding including the Settlement Agreement itself, the Commission finds that the proposed Settlement Agreement represents a reasonable resolution of all issues in this docket, and that such settlement is in the public interest. Accordingly, the Settlement Agreement should be accepted for filing and made effective as of October 13, 1976.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement certified to the Commission in this proceeding on September 9, 1977, is hereby accepted, incorporated herein by reference, and approved subject to the following conditions.

(B) The rates which accompanied the Settlement Agreement in this proceeding are hereby approved and accepted for filing as designated in Attachment A hereto.

(C) Within 30 days after the date of this order, Michigan shall refund amounts collected in excess of the settlement rates with the interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made, Michigan shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate increase; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Michigan or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A.—DESIGNATION OF SETTLEMENT RATES

Michigan Power Co., 3d Revised Sheet No. 6 Under FPC Electric Tariff Original Volume No. 1 (supersedes 2d Revised Sheet No. 6).

[FR Doc. 78-1069 Filed 1-13-78; 8:45 am]

[1] 97.8 percent of Michigan's total system energy requirements are purchased from I&M.

[2] The January 27, 1977 proposal in Docket No. ER76-714 was approved by this Commission on October 26, 1977. Provisions were made in the Settlement Agreement proposed herein for adjustments to its rates if I&M's January 27, 1977 proposal in ER76-714 had been accepted by the Commission with change.

[6740-02]

[Project No. 2082]

PACIFIC POWER & LIGHT CO.

Application for Amendment of License

JANUARY 4, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory

responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC" 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Public notice is hereby given that an application was filed On March 2, 1977, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Power & Light Co. (Applicant) (Correspondence to: Mr. Elwood B. Hedburg, Vice President, Pacific Power & Light Co., 920 S.W. Sixth Avenue, Portland, Oreg. 97204; and Mr. Lee S. Sherline, Leighton and Sherline, 1701 K Street NW., Washington, D.C. 20006) for an amendment of the license for its Klamath River Project, FERC No. 2082. The project is located on the Klamath River in Jackson County, Oreg., and Siskiyou County, Calif.

Applicant requests that the license for Project No. 2082 be amended to include, as part of the project, two single-circuit 230 kV transmission lines, which would extend northward from a new non-project substation near Copco No. 2 powerplant, located in California, to a connection on Line 59. Line 59, which is part of Project No. 2082, is located between the Klamath Falls Substation and the Lone Pine Substation near Medford, Oreg. The proposed lines would each be 3.07 miles long and would consist of H-frame, wood pole structures. Essentially, the lines would be of the same type of construction as the existing Line 59.

Applicant reports that, during the Summer and Fall, power is imported over a 115 kV line into the Yreka District area in California from the Medford District area in Oregon. During this type of power transfer, any fault on the 115 kV line would cause a major deficiency of power to the Yreka District, and thereby trigger a load curtailment or a blackout. Applicant states that the proposed transmission lines are necessary to facilitate the transfer of power from the Medford District to the Yreka District.

Lands of the United States administered by the Bureau of Land Management would be affected by the transmission lines.

Any person desiring to be heard or to make protest with reference to said applicaton should, on or before February 28, 1978 file with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §1.8 or §1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1066 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-106]

STANDARD PACIFIC GAS LINE INC.

Application

JANUARY 6, 1978.

Take notice that on December 1, 1977[1], Standard Pacific Gas Line Inc. (Applicant), 77 Beale Street, San Francisco, Calif. 94106, filed in Docket No. CP78-106 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a segment of its transmission pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks approval to abandon in place approximately 3.5 miles of its existing Stanpac 1 pipeline between Kettleman Hills Area and Kettleman Compressor Station in California. Applicant indicates that Stanpac 1 was originally installed in 1930 to collect gas from the Kettleman Hills Area to the Kettleman Compressor Station and then via Stanpac 2 to the Panoche Junction to the San Pablo Station. Applicant further indicates that the subject line consists of approximately 3½ mile of pipe, most of which is the original 22-inch line laid down in 1930. Presently Stanpac 1 receives gas from Pacific Gas and Electric Co. (Pacific) and transports it to the Kettleman Station. Prior to 1972, Stanpac 1 transported small volumes of gas, in addition to Pacific gas, for Standard Oil Co. of California (Standard) northward via Stanpac 2 where the gas was delivered back to Standard for use in its own facilities in and near the Coalinga Nose Petroleum Field. It is indicated that on July 13, 1972, the Federal Power Commission, in Docket No. CP72-7, authorized abandonment of approximately 40 miles of Stanpac 2 pipe located between Kettleman Compressor Station and Panoche Junction, and that since this abandonment Stanpac 1 has not carried any gas for Standard. It is stated that Standard has utilized a small pipeline of its own to transport its gas from the Kettleman Area northward to Coalinga. At the present time the only function of Stanpac 1 is to transport gas for Pacific from the Kettleman Hills area to the Kettleman Compressor Station.

Accordingly, Applicant proposes to abandon and sell to Pacific this small portion of line, which, since the abandonment in July of 1972, has not been physically connected to the rest of the Stanpac System.

Applicant also seeks approval to abandon two scrubbers measurement facilities, and miscellaneous valves.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this

[1] The application was initially tendered for filing on December 1, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until December 5, 1977, thus, filing was not completed until the latter date.

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless other wise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1067 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER77-59]

SUPERIOR WATER, LIGHT & POWER CO.

Order Approving Electric Rates Settlement Agreement

JANUARY 9, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 29, 1977, Superior Water, Light and Power Co. (Superior) filed a Motion to Approve Offer of Settlement in conjunction with its Motion to Sever Proceedings. By Commission order issued on November 23, 1977, the proceedings in the docket herein were severed from the proceedings in Docket No. ER76-827. The Commission finds that the proposed Settlement Offer is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

These proceedings were initiated on November 15, 1976 when Superior tendered for filing with the Federal Power Commission a $154,659 increase in wholesale electric rates to Dahlberg Light and Power Co. (Dahlberg), Superior's only jurisdictional customer, based on the 12-month period ending June 30, 1976. No interventions were filed. The purpose of Superior's filing was to reflect the increase in Superior's cost of purchased power from Minnesota Power and Light Co. (MP&L). Superior is a wholly-owned subsidiary of MP&L from which Superior purchases approximately 84 percent of its kilowatthour requirements. By FPC order in Docket No. ER76-827, issued on August 27, 1976, MP&L's proposed rate increased had been suspended for 30 days to become effective on September 30, 1976. By FPC order issued on December 15, 1976, Superior's proposed increase in Docket No. ER77-59 was suspended for three months until March 16, 1977[1] and the two proceedings were consolidated.

After a series of settlement conferences relating only to the proceedings in Docket No. ER77-59 and pursuant to the Presiding Judge's July 14, 1977 order authorizing Superior to submit its offer of settlement directly to the Federal power Commission together with a motion to sever the two proceedings, Superior filed its September 29, 1977 Motion. The Motion was noticed on October 7, 1977 with comments due on or before November 1, 1977. Staff filed comments in support of the Settlement Offer on October 17, 1977. No other comments have been received.

Under the proposed Offer of Settlement, Superior is to increase its base rates to Dahlberg by $9,500 over the level of Superior's settlement rates in Docket No. ER76-20,[2] plus the annualized increase in the cost of power purchased by Superior from MP&L under the rates to be approved by the Commission in its final order in Docket No. ER76-827. The Offer provides for Superior to refund to Dahlberg all amounts collected subject to refund which are in excess of the rates determined in accordance with this order. Superior also agrees to refund to Dahlberg all amounts collected from Dahlberg under the cost of power adjustment clause in Rate Schedule W-5, as initially filed in these proceedings, which are in excess of the amounts which would have been collected under the fuel adjustment clause made effective in ER76-20.

Based on Staff's analysis, the earned rate of return under the proposed Offer of Settlement will not exceed Staff's recommended 8.94 percent, including 12.50 percent on common equity, with a 46.20 percent common equity ratio.

Based on our review of the record in these proceedings, we conclude that the Offer of Settlement represents a reasonable resolution of the issues and that, accordingly, the settlement offer should be conditionally approved, effective March 16, 1977, pending Commission decision on exceptions in ER76-827. Additionally, the settlement requests deferral of refunds until 30 days after a final decision in the proceedings herein or after a final and nonappealable rate level is established in ER76-827, whichever is later. We believe that compliance with these requests is in the public interest.

The Commission finds: The proposed Offer of Settlement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Offer of Settlement proposed to the Commission in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Within 30 days from the date of the Commission's final order in the proceedings herein or from the final order in Docket No. ER76-827, whichever is later, Superior shall refund the amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(C) Within 15 days after refunds have been made, Superior shall file with the Commission a compliance report. Such report shall show monthly billing determinants and revenues under prior, present and settlement revenues. The report shall also show the monthly settlement rate increase, the rate of refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(D) This order is without prejudice to any finding or orders which have been made or which will hereafter be

[1] On February 1, 1977, the Federal Power Commission denied Superior's Motion for Reconsideration of the December 15, 1976 order. Superior had requested a shorter suspension period.

[2] See: Order Approving Settlement, issued July 6, 1977 by the Federal Power Commission in Docket No. ER76-20.

made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Superior or any person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1070 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP76-241]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC or Commission) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled: "Transfer on Proceedings to the Secretary of Energy and the FERC," 10 CFR ——; *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Transcontinental Gas Pipe Line Corp. (petitioner), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP76-241 a petition to amend the order of May 24, 1976 (55 FPC ——), as amended June 6, 1977 (57 FPC ——), issued in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to authorize the transportation of up to 1,125 Mcf of natural gas per day for a period through June 23, 1978, to Natural Gas Pipeline Co. of America (Natural) for ultimate delivery to Nabisco, Inc. (Nabisco), for use in its Chicago plant, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

By order issued May 24, 1976, petitioner was authorized to transport gas for the account of Nabisco. Petitioner states that on January 27, 1977, it filed a petition to amend in Docket No. CP76-241 requesting authorization to deliver to Natural for the account of Nabisco certain Nabisco volumes of gas served from the 1,125 Mcf per day authorized by order of May 24, 1976, and to continue the service throughout the remaining term of the May 24, 1976, authorization. It is asserted that Natural in its application for authority to transport gas from petitioner to Nabisco's Chicago facility requested a limited service of 500 Mcf per day for 60 days. Hence, petitioner was authorized by order issued June 6, 1977, to deliver up to 500 Mcf of gas per day for 60 days to Natural for ultimate delivery to Nabisco's Chicago plant.

Petitioner herein proposes to extend the service for Nabisco's Chicago bakery to June 23, 1978 (the remaining term of the May 24, 1976, authorization), and to increase the volume delivered to 1,125 Mcf per day.

Petitioner states that delivery to Natural will be made at existing points of interconnection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1068 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. RP76-153]

BACA GAS GATHERING SYSTEM, INC.

Filing of Rate Settlement Agreement

JANUARY 10, 1978.

Public notice is hereby given that a stipulation and settlement agreement was filed on December 20, 1977, which, if approved, would resolve all issues in this proceeding. The settlement, if approved, would provide for refunds to Panhandle Eastern Pipe Line Co. by Baca Gas Gathering System, Inc. in the amount of $23,087.65.

Any person desiring to do so may file comments in writing concerning the settlement proposal with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should be filed on or before January 27, 1978. The settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1152 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-126]

BLUE DOLPHIN PIPE LINE CO.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 16, 1977, Blue Dolphin Pipe Line Co. (Applicant), P.O. Box 2099, Houston, Tex. 77001, filed in Docket No. CP78-126 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and section 157.7(c) of the Regulations thereunder, for authorization to make unspecified miscellaneous rearrangements of Applicant's existing transportation facilities during the twelve-month period beginning January 1, 1978, and to operate such facilities, all as more fully set out in the application with the Commission and open to public inspection.

Applicant requests authorization to expend not more than $10,000 for unspecified minor rearrangements to its facilities extending from the offshore Texas area to delivery points at the plant of Dow Chemical Co. in Freeport, Tex.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 27, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1153 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-173]

CONNECTICUT LIGHT & POWER CO.

Proposed Transmission Agreement

JANUARY 10, 1978.

Take notice that on January 3, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated November 1, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO), and (2) Holden Municipal Light Department (Holden).

CL&P states that the Transmission Agreement provides for a transmission service to Holden during the period from November 1, 1977 to April 30, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utility system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which Holden is entitled to receive.

CL&P requests an effective date of November 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn., WMECO, West Springfield, Mass., and Holden, Holden, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this aplication are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1154 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-172]

CONNECTICUT LIGHT & POWER CO.

Transmission Agreement

JANUARY 10, 1978.

Take notice that on January 3, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated November 1, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO), and (2) Mansfield Municipal Electric Department (Mansfield).

CL&P states that the Transmission Agreement provides for a transmission service to Mansfield during the period from November 1, 1977 to October 31, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which Mansfield is entitled to receive.

CL&P requests an effective date of November 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn., WMECO, West Springfield, Mass., and Mansfield, Mansfield, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1155 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP76-260]

CONSOLIDATED GAS SUPPLY CORP.

Petition To Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations

promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceedings would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Consolidated Gas Supply Corp. (Petitioner), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP76-260 a petition to amend the order of October 4, 1976 (56 FPC ——), issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued transportation of certain volumes of natural gas for use by Pittsburgh Tube Co. (Tube Company) as boiler fuel, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Petitioner states that it is presently authorized to transport up to 460 Mcf of natural gas per day for Tube Company for use in an annealing furnace and as boiler fuel in Tube Company's plant located near Jane Lew, Lewis County, W. Va. The order issued October 4, 1976, required the conversion of Tube Company's boiler to an alternate fuel within one year.

Petitioner states that Tube Company has not converted the boiler at its Jane Lew facility to an alternate fuel by October 4, 1977, and requests an extension of the time limitation to October 4, 1978. It is asserted that Tube Company has completed a study of alternate fuels for its Jane Lew boiler and has selected No. 2 fuel oil therefor, and that Tube Company developed four sources for fuel oil supply in the Jane Lew area. It is further stated that Tube Company has also completed engineering specifications for a storage tank, lines, pumps and boiler conversion equipment, and according to Tube Company, the contemplated conversion would require a capital investment of approximately $25,000 and fuel expense 90 percent higher than with Tube Company's own natural gas. Tube Company further advises that adverse subsurface soil conditions may be encountered in the construction of its fuel oil storage tank and, for that reason, the cost of conversion may be greater than anticipated. Petitioner asserts that Tube Company's boiler is used to generate steam for use in a chemical cleaning and lubricating process, which is the initial step in fabrication at the plant, and if the boiler is without fuel, the entire plant must be shut down, resulting in the layoff of approximately 40 employees.

It is stated that Tube Company's gas requirements at its Jane Lew plant have substantially underrun the levels originally anticipated, with the result that significantly more gas produced by Tube Company has been made available to the interstate market than was originally estimated.

Petitioner further points out that at currect levels of consumption, Tube Company's entire gas usage would qualify for classification as small volume firm industrial requirements in Priority 2 category under the sales restrictions and curtailment rules contained in the effective tariff of Petitioner's Hope Natural Gas Co., distribution division and of Standard Gas Co., the two gas distribution companies serving the Jane Lew area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1156 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP76-260]

CONSOLIDATED GAS SUPPLY CORP.

Petition To Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 23, 1977, Consolidated Gas Supply Corp. (Petitioner), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP76-260 a petition to amend the order of October 4, 1976 (56 FPC ——), issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued transportation of certain volumes of natural gas for use by Pittsburgh Tube Co. (Tube Company) as boiler fuel, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Petitioner states that it is presently authorized to transport up to 460 Mcf of natural gas per day for Tube Company for use in an annealing furnace and as boiler fuel in Tube Company's plant located near Jane Lew, Lewis County, W. Va. The order issued October 4, 1976, required the conversion of Tube Company's boiler to an alternate fuel within one year.

Petitioner states that Tube Company has not converted the boiler at its Jane Lew facility to an alternate fuel by October 4, 1977, and requests an extension of the time limitation to October 4, 1978. It is asserted that Tube Company has completed a study of alternate fuels for its Jane Lew boiler and has selected No. 2 fuel oil therefor, and that Tube Company developed four sources for fuel oil supply in the Jane Lew area. It is further stated that Tube Company has also completed engineering specifications for a storage tank, lines, pumps and boiler conversion equipment, and according to Tube Company, the contemplated conversion would require a capital investment of approximately $25,000 and fuel expense 90 percent higher than with Tube Company's own natural gas. Tube Company further advises that adverse subsurface soil conditions may be encountered in the construc-

tion of its fuel oil storage tank and, for that reason, the cost of conversion may be greater than anticipated. Petitioner asserts that Tube Company's boiler is used to generate steam for use in a chemical cleaning and lubricating process, which is the initial step in fabrication at the plant, and if the boiler is without fuel, the entire plant must be shut down, resulting in the layoff of approximately 40 employees.

It is stated that Tube Company's gas requirements at its Jane Lew plant have substantially underrun the levels originally anticipated, with the result that significantly more gas produced by Tube Company has been made available to the interstate market than was originally estimated.

Petitioner further points out that at current levels of consumption, Tube Company's entire gas usage would qualify for classification as small volume firm industrial requirements in Priority 2 category under the sales restrictions and curtailment rules contained in the effective tariff of Petitioner's Hope Natural Gas Co., distribution division and of Standard Gas Co., the two gas distribution companies serving the Jane Lew area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1143 Filed 1-13-78; 8:45 am]

[6740-02]

[Project No. 362]

FORD MOTOR CO.

Application for New Major License for Constructed Project

JANUARY 10, 1978.

Public notice is hereby given that an application for a new major license has been filed under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by the Ford Motor Co. (applicant) (correspondence to: Mr. Sidney Kelly, Secretary, Ford Motor Co., The American Road, Dearborn, Mich. 48121) for its constructed Twin Cities Project, FERC Project No. 362, located on the Mississippi River, in Ramsey and Hennepin Counties, Minn., between St. Paul and Minneapolis. The project affects lands of the United States.

The existing Twin Cities Project consists of: (1) A powerhouse 160 feet long, 74 feet wide, and 51 feet high, located on a substructure at the east end of, and integral with, the United States Lock and Dam, known as "Twin City Lock and Dam," and containing four 4,480 kW generators each connected to a turbine rated at 4,500 hp operating under a head of 34 feet; (2) two-foot-high hinged, automatic release flashboards on the top of the spillway; and (3) all other facilities and interests appurtenant to the operation of the project. The project was constructed in 1923-1924 and has a capacity of 17,900 kW. Power generated by the project is used primarily by applicant in its nearby assembly plant; the surplus is sold to Northern States Power Co. Applicant also furnishes 60,000 kWh each year, without charge, to the U.S. Army Corps of Engineers for use in the operation of its locks and dams.

According to the application: (1) The estimated net investment is zero, which is less than the estimated fair value of $250,000; (2) the estimated severance damages in the event of "takeover" are $750,000; and (3) the annual taxes paid to state and local governments are $36,902.

The boundaries of the project are limited. The dam, locks, and impoundment, including flowage rights, are owned and controlled by the Corps of Engineers. About four acres of land located adjacent to the powerhouse are fenced to protect the project and adjacent Federal property and also to protect the public from headlock and tailrace hazards.

Almost all of the preserved gorge above the dam is owned by the Minneapolis and St. Paul Park Boards. They maintain it as a natural valley called Riverside Park. Recreation is available in the tailrace area and around the impoundment, which is known as Pool No. 1. In addition, an intermittent bike and walking trail parallels the river between a scenic drive and the valley; there are plans for achieving continuity for this trail and possible connection of it with other city trail systems.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before March 29, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1144 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-134]

MICHIGAN WISCONSIN PIPE LINE CO.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-134 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate

of public convenience and necessity authorizing the construction and operation of gas measurement and related facilities to be located in Cameron Parish, La., and to perform at cost certain related services for High Island Offshore System (HIOS), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that by Transportation Agreements, all dated February 15, 1976, between HIOS and each of Applicant, Texas Gas Transmission Corp. (Texas Gas), United Gas Pipe Line Co. (United), Transcontinental Gas Pipe Line Corp. (Transco), and Natural Gas Pipeline Co. of America (Natural), (collectively called "the shippers"), HIOS agreed to receive, transport, and redeliver a Contract Demand of 197,600 Mcf per day for each of the shippers. With respect to the measuring equipment necessary for HIOS to take receipt of the shippers' gas supplies, section 3.6 of article III of each of the transportation agreements provides that the individual shipper will be responsible to cause to be provided, maintained, and operated, the necessary offshore platforms, measuring and regulating stations, dehydration and other necessary equipment by which the volumes of gas delivered to HIOS for the shipper's account shall be determined. With respect to the measuring equipment necessary for HIOS to make redeliveries of the shippers' gas supplies, Section 3.6 further provides that HIOS shall cause to be installed, operated, and maintained at its expense, a measuring and regulating station or stations equipped with flow meters and other necessary measuring equipment for the measurement of gas redelivered to or for the account of each shipper; such measuring and regulating stations shall be installed at the northern terminus of the system (block 167) or such stations shall be installed at each of two mutually agreeable points onshore in the vicinity of Johnson's Bayou and Lower Mud Lake, La., respectively, whereby measurement would be provided on a compatible basis. Applicant states that the purpose of the instant application is to provide the required facilities at Lower Mud Lake.

The application indicates that to provide for the necessary measurement and regulating facilities at Lower Mud Lake, HIOS and Applicant have entered into a service agreement dated August 4, 1977. The service agreement provides that Applicant shall design, construct, operate and maintain a facility at Lower Mud Lake (the Grand Chenier Station) which shall separate, dehydrate, and accurately measure the volumes of gas delivered by HIOS to Applicant's facilities for further transportation. The service agreement further provides that the Grand Chenier Station shall be capable of handling 500,000 Mcf per day for the account of HIOS and 250,000 Mcf per day for gas supplies presently being transported in Applicant's existing offshore pipeline system and gas which Applicant anticipates will become available for transportation. Applicant states that as consideration for providing the service, the Agreement provides that HIOS will pay it an amount in monthly installments equal to 66⅔ percent of the full cost of service attributable to the construction and operation of the Grand Chenier Station.

The application indicates the measurement facilities at the Grand Chenier Station will consist of five (5) 16" diameter orifice meter runs, high pressure gas piping, flow control, instrumentation, and associated appurtenances, which Applicant estimates will cost $1,381,620. In addition to the measurement facilities and incident thereto, Applicant states that it will also construct and operate pursuant to the Service Agreement with HIOS and in accordance with the provisions of section 2.55 of the Commission's General Policy and Interpretations, separation, dehydration and other facilities necessary to permit HIOS to meet the gas quality redelivery specifications also set forth in such Transportation Agreements.

The application further indicates that Texas Gas has requested that a portion of its gas supplies being transported by Applicant be redelivered to it at the Grand Chenier Station. To effectuate redeliveries to Texas Gas at the Grand Chenier Station, Applicant states that it further proposes to construct and operate two (2) 10" diameter orifice meter runs, high pressure gas piping, flow control, instrumentation, and associated appurtenances which it estimates to cost $273,620.

Applicant further states that it presently purchases all of the gas reserves underlying West Cameron Block 171, offshore Louisiana, and under its present operations of its existing pipeline system, the gas supplies so purchased are transported onshore and delivered for processing to an existing onshore processing plant which is located adjacent to, but upstream of, the Grand Chenier Station. Upon commencement of gas deliveries from the HIOS system to Applicant's connecting pipeline facilities in block 167, Applicant indicates that the block 171 reserves will be commingled with gas produced in the High Island Area necessitating the allocation and proration of deliveries and redeliveries to and from said processing plant. Accordingly, Applicant states that it further proposes to construct and operate measurement facilities on both the inlet and outlet sides of said plant, the measurement facilities comprising six (6) 6" turbine meter runs (3 inlet and 3 outlet), high pressure gas piping, flow control, instrumentation, and associated appurtenances which Applicant estimates to cost $461,410. In total, Applicant estimates the cost of the measurement facilities proposed in the instant application to be $2,214,620, which Applicant indicates will be financed with funds on hand, funds generated internally, borrowings under revolving credit or short term financing.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1157 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-174]

MISSOURI EDISON CO.

Proposed Tariff and Rate Schedule Changes

JANUARY 10, 1978.

Take notice that Missouri Edison Co. (Missouri) on January 4, 1978, tendered for filing a new increased FPC Electric Service Tariff to replace its current Electric Service Tariff No. 2. Missouri states that the proposed changes would increase revenues from

its Wholesale Municipal Customer by $14,996 based on the 12-month period ended September 30, 1977. Missouri proposes an effective date of March 28, 1978.

Missouri further states that the proposed increase in rates is due primarily to wholesale power cost increases incurred by the Company.

According to Missouri copies of this filing were served upon the city of Clarksville and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 January 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1158 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP73-73]

NATURAL GAS PIPELINE CO. OF AMERICA

Tariff Filing

JANUARY 10, 1978.

Take notice that on December 22, 1977, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets to Second Revised Volume No. 2 of its FERC Gas Tariff, consisting of the following:

First Revised Sheet No. 265
First Revised Sheet No. 289

The purpose of this filing is to amend Natural's Rate Schedule X-35, transportation of gas for Columbia Gas Transmission Corp., to include an additional "Point of Receipt." This amendment is the subject of Natural's "Petition to Amend" in Docket No. CP73-73 filed with this Commission on December 2, 1977 and noticed on December 19, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1145 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-557]

Northern Natural Gas Co.

Tariff Filing

JANUARY 10, 1978.

Take notice that on December 13, 1977, Northern Natural Gas Co. filed rate schedule X-66 consisting of original sheet Nos. 1054 through 1084 to its FERC gas tariff, original volume No. 2.

Rate schedule X-66 contains a gas transportation and sales agreement between Panhandle Eastern Pipe Line Co. (Panhandle), Trunkline Gas Co. (Trunkline), and Northern dated July 19, 1977. Northern received certificate authority to provide this service at Docket No. CP77-557.

Pursuant to this agreement Panhandle has a continuing option to purchase up to twenty percent (20%) of Northern's block 332 and block 617 gas received by Trunkline for transportation, as partial consideration for transportation by Trunkline and Panhandle to Northern's system at Mullinville, Kans. The gas to be sold to Panhandle will be sold on a monthly cost of service basis. The estimated cost for the first year of operations is $2.15/Mcf for block 332 gas and $2.07/Mcf for block 617 gas.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1146 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP75-140 et al.]

PACIFIC ALASKA LNG CO.

Order Granting Interventions and Consolidating Proceedings

JANUARY 10, 1978.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

In the matter of Pacific Alaska LNG Co., Docket No. CP75-140; Western LNG Terminal Co., Docket No. CP75-83-3; Atlantic Richfield Co., Docket Nos. CI77-756 and CI77-757; Shell Oil Co., Docket No. CI77-798; Chevron U.S.A., Inc., Docket Nos. CI77-809 and CI77-814.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Departemnt of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

This proceeding is considering a proposed project designed to transport liquefied natural gas (LNG) from Cook Inlet, Alaska, to Los Angeles, Calif. Several procedural matters pending before the Commission are disposed of in this order.

On October 13, 1977, Hollister Ranch Owners' Association and the Santa Barbara Citizens for Environmental Defense, jointly filed a petition for leave to intervene out of time. Ac-

cording to the petition, the Hollister Ranch is a 14,000 acre property located along the coastline in Santa Barbara County, Calif., in the vicinity of Point Conception, Calif. It is divided into 135 parcels, each of a minimum of 100 acres, which have been and are being sold exclusively as residential sites. The petition also alleges that the Santa Barbara Citizens for Environmental Defense is a California nonprofit corporation, formed in August 1969 by a number of concerned citizens of Santa Barbara County to actively participate in and promote environmentally sound county planning and development.

On October 19, 1977, Bixby Ranch Co. filed a petition for leave to intervene. According to the petition, Bixby Ranch Co. owns approximately 23,000 acres of undeveloped land located in Santa Barbara County, Calif., near Point Conception. The land is said to adjoin a 980 acre parcel owned by Southern California Edison Co., a portion of which was proposed as the site for a liquid natural gas terminal for the El Paso Alaska project previously considered by Federal Power Commission in its recommendation to the President on Alaska Natural Gas Transportation System, issued May 1, 1977.

On November 15, 1977, General Motors Corp. filed a petition to intervene asserting an interest in this proceeding from the fact that four of its plants are served either by Southern California Gas Co. or Pacific Gas & Electric Co. which would be benefited through additional gas deliveries from this project. General Motors also asserts an interest from its broader concern for the development and implementation of national policy on the transportation and sale of LNG supplies.

All petitions for leave to intervene are filed after the deadlines established by notice. The petitioners allege substantial interests not represented by any other party, and further allege that their participation will not delay consideration of any amended proposal which the applicant may file for a Point Conception terminal site. All petitions state sufficient interest in the proceeding and adequate reasons for lateness of the petitions to warrant granting of intervention, which is ordered below.

On September 7, 1977, the Organization for Management of Alaska's Resources (OMAR) also filed a late petition for leave to intervene. OMAR alleges that its goal is promotion of the management of Alaska resources so that they can be used for the benefit of Alaskans as well as consumers who reside in the lower forty-eight, and that its goal has been approval of a trans-Alaska project for Prudhoe Bay gas. Inasmuch as the President has recently announced selection of a trans-Canadian pipeline for Prudhoe Bay gas, the OMAR declares that Prudhoe Bay gas will no longer be transported to the Cook Inlet area, and that its interest in this Cook Inlet project and reserves in that area is not represented by any other party. Based upon the allegations in the petition this late intervention will also be granted.

On August 24, 1977, Shell Oil Co. (Shell) filed a motion for consolidation of its producer application in docket No. CI77-798 with the present proceeding. Shell alleges that the contract which it has recently entered into for the sale of natural gas in Cook Inlet, Alaska, to Pacific Alaska LNG Associates is important evidence for judging the viability of the Pacific Alaska project. Shell further asserts that this proceeding is the proper forum for resolution of whether a certificate for its sale of gas to Pacific Alaska should issue. Shell's point is well taken, and consolidation will be ordered below. In addition to the application of Shell, applications for the sale of Cook Inlet gas have been received from Atlantic Richfield Co., Docket Nos. CI77- 756 and 757, and from Chevron U.S.A., Inc., Docket Nos. CI77- 809 and 814. These applications also present common questions of law and fact within the meaning of section 1.20(b) of the rules of practice and procedure, and should be consolidated herein.

The Commission finds: (1) Participation by the above-named petitioners to intervene in the dockets in which they filed may be in the public interest.

(2) The above applications of Shell Oil Co., Docket No. CI77-798; Atlantic Richfield Co., Docket Nos. CI77- 756 and 757; and Chevron U.S.A., Inc., Docket Nos. CI77- 809 and 814, involve common questions of law and fact and should be consolidated for hearing and decision.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these consolidated proceedings, subject to the rules; and regulations of the Commission; *Provided, however,* That the participation of the interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding; *Provided, further,* That such interveners shall accept the evidentiary record as it has been established in the proceeding to date.

(B) The applications of Shell Oil Co., Docket No. CI77-798; Atlantic Richfield Co., Docket Nos. CI77- 756 and 757; and Chevron U.S.A., Inc., Docket Nos. CI77- 809 and 814 are consolidated with this proceeding for the purposes of hearing and decision.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1159 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-396]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JANUARY 10, 1978.

Take notice that on December 19, 1977, Sea Robin Pipeline Co. (Sea Robin) tendered for filing original sheet Nos. 354 through 359 to its FERC gas tariff, original volume No. 2, being a transportation agreement between Sea Robin and Amoco Production Co. It is proposed that these tariff sheets become effective on December 1, 1977.

Sea Robin states that copies of these tariff sheets have been mailed to Amoco Production Co.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1147 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-606]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JANUARY 10, 1978.

Take notice that on December 15, 1977, Sea Robin Pipeline Co. (Sea Robin) tendered for filing original sheet Nos. 360 through 384 to its FERC gas tariff, original volume No. 2, being a transportation agreement between Sea Robin and Natural Gas Pipeline Co. of America. It is proposed that these tariff sheets become effective on December 1, 1977.

Sea Robin states that copies of these tariff sheets have been mailed to Natural Gas Pipeline Co. of America.

Any person desiring to be heard or to protest said filing should file a peti-

tion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1978. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1148 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. RP77-120]

STINGRAY PIPELINE CO.

Certification of Proposed Settlement and Record

JANUARY 10, 1978.

Public notice is hereby given that a proposed settlement and the record related thereto was certified to the Commission by the Presiding Administrative Law Judge on December 13, 1977. The proposed settlement, if approved, would resolve all issues in this proceeding.

Any person wishing to do so may file comments in writing concerning the proposed settlement with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should be filed on or before January 27, 1978. The settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1160 Filed 1-13-78; 8:45 am]

[6740—02]

[Docket No. CI77—298]

TENNECO, INC.

Proceeding Affecting Certain Natural Gas Producers

JANUARY 10, 1978.

Take note that on February 28, 1977, Tenneco Inc. (Tenneco), filed a petition with the Federal Power Commission (now Federal Energy Regulatory Commission) for a declaratory order under the Natural Gas Act, in order to resolve present uncertainties as to whether or not all necessary filings under the Natural Gas Act have been made, and all necessary authority thereunder obtained, in connection with release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Co. (Tennessee) for sale by independent producers to Channel Industries Gas Co. (Channel).

Tenneco states that these uncertainties have arisen as a result of an investigation by counsel for Tenneco in preparation for the defense of pending litigation against Tenneco, Channel, and certain other affiliates of Tenneco in which certain customers of Channel claim, among other things, that in early 1975 Channel improperly released a claim against Tennessee for volumes of natural gas then owing to Channel as a result of certain balancing transactions between the two parties which had previously terminated. In the course of this investigation, Tenneco determined that since the inception of Channel's operations in 1965, Channel has purchased certain volumes of natural gas produced from acreage or reservoirs which are, or at one time had been, under contracts to Tennessee. Tenneco states that, for the most part, the contracts, or amendments thereto, whereby the natural gas in question was released from Tennessee were filed by the producers with the Federal Power Commission. Tenneco also states that, in certain of the transactions reviewed to date, however, it is unclear from the information presently available to Tenneco as to whether additional filings were necessary under the then prevailing circumstances, or indeed, whether additional filings, presently unknown to Tenneco, were in fact made.

The Federal Power Commission instituted a formal investigation into the matters raised by Tenneco and that proceeding is continuing before the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, under the above-stated docket number. Any person having a current or past interest in the sale of natural gas to Channel from the following fields is hereby notified of the pendency and nature of this proceeding, and invited to intervene in this proceeding pursuant to 18 CFR 1.8.

Natural gas field and county (Texas)

Seeligson field, Jim Wells.
Stratton-Agua Dulce field, Jim Wells, Kleburg, and Nuecus.
Riverside-O'Neil field, Nuecus.
Brayton field, Nuecus.
Southwest Pheasant field, Matagorda.
Bay City field, Matagorda.
Chesterville field, Colorado.
North Garwood field, Colorado.
Edinburg field, Hidalgo.
Cold Springs field, San Jacinto.
Decker's Prairie field, Harris.
Agua Dulce field, Nuecus.
Flores field, Starr.
Stedman Island field, Nuecus.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 70-1162 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-387]

TENNESSEE GAS PIPELINE CO.

Application To Amend Order

JANUARY 10, 1978.

Take notice that on December 22, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP77-387 an application to amend the order issued in said docket on November 29, 1977, by requesting temporary and permanent authorization for the transportation of daily volumes of natural gas up to 70,000 Mcf for Northern Natural Gas Co. (Northern). The gas will be produced from offshore areas, and Tennessee requests the right to accept additional volumes which Northern may tender for transportation.

Northern has advised Tennessee that volumes of gas available to Northern from the offshore area have significantly increased and has requested that Tennessee transport up to 70,000 Mcf instead of 50,000 Mcf of natural gas per day. Tennessee states, therefore, that it has entered into an amendment with Northern dated December 7, 1977, to an existing Agreement, dated March 7, 1977. Tennessee states that the proposed service will not affect Tennessee's ability to serve its existing customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene

is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1163 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-31]

TENNESSEE GAS PIPELINE CO.,

Tariff Filing

JANUARY 10, 1978.

Take notice that on December 14, 1977, Tennessee Gas Pipeline Co., A division of Tenneco Inc. (Tennessee), tendered for filing the following tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 2:

Original Sheet Nos. 271 through 271U. A Sheet Reserving Original Sheet Nos. 272 through 299 for future use.

Tennessee states that the sole purpose of these tariff sheets is to institute its Rate Schedule T-50 in accord with the Commission orders of May 2, 1977, and July 27, 1977, in Docket Nos. CP77-31 and CP65-393, et al.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1161 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP75-127]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Tariff Filing

JANUARY 10, 1978.

Take notice that on December 14, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing tariff sheets to Sixth Revised Volume No. 2 of its FERC Gas Tariff, consisting of the following:

First Revised Sheet Nos. 635 through 651
Original Sheet Nos. 652 through 654.

Tennessee states that these tariff sheets constitute revisions to its Rate Schedule X-47, to be effective September 22, 1977, pursuant to the Commission's order in Docket No. CP75-127, issued September 22, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1149 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-135]

TEXAS EASTERN TRANSMISSION CORP.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Texas Eastern Transmission Corp. (Applicant) filed in Docket No. CP78-135 an application pursuant to Section 7(c) of the Natural Gas Act and section 175.7(b) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas for Chevron U.S.A., Inc. (Chevron), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Under the terms of an agreement between Texas Eastern and Chevron, Texas Eastern will receive up to 25,000 Mcf of naturals gas per day at existing points of receipt on production platforms located in East Cameron 160 and 245, Offshore Louisiana and redeliver such volumes, less fuel cost to an existing interconnection between United Gas Pipeline Company and Texas Eastern near Gillis, Beauregard Parish, La., for ultimate redelivery to Chevron Chemical Co. Chevron has agreed to pay Texas Eastern a rate of 19.93¢ per Mcf for the transportation service provided for herein.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1164 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-418 and CP71-290]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Presiding Administrative Law Judge's Certification of Settlement to the Commission

JANUARY 9, 1978.

In the matter of Texas Eastern Transmission Corporation, Consolidated System LNG Company, and Consolidated System LNG Company.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FERC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —— provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on December 15, 1977, Presiding Administrative Law Judge Isaac D. Benkin certified the record in the above-captioned dockets and a proposed Stipulation and Agreement to the Commission.

In this case, Consolidated System LNG Company filed a petition to amend the certificate issued to it in Docket No. CP71-290. The certificate authorizes, inter alia, construction of approximately 190 miles of pipeline from Loudon County, Va., to a point in Clinton County, Pa. The pipeline construction project is part of a larger project for the importation of Algerian LNG and its movement to Consolidated Gas Supply Corporation's (Consolidated) system in the vicinity of Consolidated's Leidy storage field. The planned pipeline crosses the existing line of Texas Eastern Transmission Corp. (Texas Eastern) at two points. In Docket No. CP77-418, Consolidated, through its subsidiary, Consolidated System LNG Co., and Texas Eastern seek the Commission's approval for an arrangement under which Consolidated would deliver LNG to Texas Eastern at the southern crossing point and would receive at the northern point Btu equivalent volumes from Texas Eastern, thereby eliminating the need to construct some 80 miles of pipeline. Texas Eastern would receive a $150,000 per month charge from Consolidated for participating in the exchange arrangement.

The proposal gave rise to a number of issues which are disposed of in the proposed Stipulation and Agreement for settlement. The proposed settlement provides that, with the Commission's approval, Texas Eastern and Consolidated will operate their facilities in a manner that will result in an average heating value throughout the year of 1,035 Btu (wet basis) in the blended stream flowing eastward into Texas Eastern's Zone D market area from the points of delivery of the vaporized LNG. The agreement further provides that the exchange charge will be flowed through to Texas Eastern's Zone D customers by way of a reduction in their monthly demand charge in order to compensate for the higher Btu content of the gas to be delivered to them. Approval of the proposed Stipulation and Agreement, to which all active parties including Staff have concurred, will result in a cost savings to Consolidated customers of approximately $5,501,000 in the first year due to the elimination of the cost of 80 miles of new pipeline from Consolidated's rate base.

Copies of the proposed Stipulation and Agreement are on file with the Commission and are available for public inspection. In view of the imminent arrival of the ships carrying the imported LNG, good cause exists to shorten the period for the submission of comments in order to hasten the disposition of the settlement proposal. Therefore, any person, including the parties, desiring to comment on the matters contained in the proposed Stipulation and Agreement should file their comments with the Federal Energy Regulation Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 23, 1978.

KENNETH F. PLUMB,
Secretary

[FR Doc. 78-1150 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CI72-674 et al.]

TEXAS GAS EXPLORATION CORP.

Petition for Declaratory Order

JANUARY 10, 1978.

Texas Gas Exploration Corp., Gulf Oil Corp., Southern Natural Gas Co., United Gas Pipe Line Co. v. *Humble Oil & Refining Co. and Isaac Arnold, et al.*, and *Chevron U.S.A., Inc.*, Docket Nos. CI72-674, CI62-965, CP73-72, CP73-123 and CI75-420.

Take notice that on December 14, 1977, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and the Columbia Gas Transmission Corp. (Columbia), P.O. Box 1273, Charleston, W. Va. 25325, Jointly filed in Docket Nos. CI72-674, et al., pursuant to Section 4 of the Natural Gas Act and section 1.7(c) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), a petition for a declaratory order determining the price which United is obligated to pay Columbia for gas being delivered under the payback arrangement previously ordered by the Commission in the subject dockets.

United and Columbia state that the instant petition involves the payback by Columbia to United of a volume of gas in accordance with a Commission order previously issued in these proceedings, 52 FPC 940 (1974), aff'd, 530 F.2d 1056 (D.C. Cir. 1976). United and Columbia have agreed that under a letter order issued by the Commission in this docket the total volume delivered to Columbia during the period May 2, 1971 to October 15, 1974, which now must be paid back to United is 12,962,454 Mcf. United and Columbia state that in accordance with the Commission's letter order, Columbia has agreed to deliver to United approximately 10,263 Mcf per day for the 1,236-day payback period, subject to balancing to account for day-to-day conditions. Such deliveries will commence on January 15, 1978. However, United and Columbia state that they have been unable to agree upon the appropriate price for the payback volumes. United contends that the appropriate price is the volume-weighted average price which United would have paid to the producers had such gas been delivered to United pursuant to its contract from May 2, 1971 to October 15, 1974. Columbia asserts that it is entitled to be paid for the payback gas on the basis of the average cost of all gas purchased by Columbia in Louisiana (onshore and offshore) during the payback period.

Columbia and United state that the questions presented to this Commission are solely questions of law which can be fully developed through submission of briefs.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1165 Filed 1-13-78; 8:45 am]

[6740-02]

[Project No. 488]

THERMALITO AND TABLE MOUNTAIN IRRIGATION DISTRICTS

Application for New Minor License for Constructed Project

JANUARY 10, 1978.

Public notice is hereby given that an application for a new minor license has been filed under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by the Thermalito and Table Mountain Irrigation Districts (applicants) for their constructed Concow Dam Project, FERC Project No. 488, located on Concow Creek in Butte County, Calif., in the vicinity of the Town of Paradise and the City of Oroville. The project affects lands of the United States in Lassen National Forest. Correspondence regarding the application should be sent to: (1) Thermalito Irrigation District, 410 Grand Avenue, Oroville, Calif. 95965 (Attention: Elden J. Brown, President, Board of Directors); (2) Table Mountain Irrigation District, Route 1, Box 153, Oroville, Calif. 95965 (Attention: Margaret B. Chaffin, Chairman, Board of Directors); and (3) Minasian, Minasian, Minasian and Spruance, 1681 Bird Street, Oroville, Calif. 95965 (Attention: William Spruance, Esq.).

The project, which has no power-producing facilities, consists of: (1) Lake Wilenor, a 300-acre reservoir at elevation 1,970 feet, with approximately 8,200 acre-feet of storage available through a drawdown of approximately 90 feet, impounded by Concow Dam, a 90-foot-high concrete arch dam, with a 300-foot-long crest; (2) a low concrete diversion dam, approximately 1,000 feet downstream of Concow Dam, which diverts part of the releases from Wilenor Reservoir into; (3) Spring Valley Ditch, a 12-mile-long canal leading to; (4) Wilenor Siphon, a 24-inch-diameter, 4,000-foot-long pipe, crossing the West Branch, North Fork, of the Feather River, which discharges into the Miocene Canal of Pacific Gas and Electric Co's (PG&E) unlicensed Lime Saddle-Coal Canyon Project.

Applicants use the water impounded by the project for agricultural and domestic purposes. Table Mountain Irrigation District allows PG&E to use its share of the water to generate power in PG&E's Lime Saddle-Coal Canyon Project while Thermalito Irrigation District's share of the water flows through natural channels to Lake Oroville and eventually through the power facilities of Project No. 2100. Applicants are reimbursed for the use of this water.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before March 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.10 or 1.18 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding, or to participate as a party in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1151 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-136]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

JANUARY 10, 1978.

Take notice that on December 23, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-136 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Amoco Production Co. (Amoco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Amoco will produce and deliver into Applicant's existing facilities in Block 10, South Pelto Area, Offshore Louisiana, a maximum daily quantity equal to the greater of the MMBtu equivalent of 12,000 Mcf of South Pelto Block 10 gas or 40 percent of the capacity of Applicant's lateral connecting Block 10 to adjacent Block 11, and that Applicant will redeliver a thermally equivalent quantity, less 1.2 percent initially for compressor fuel and less gas lost and unaccount for and fuel and shrinkage if the gas is processed, to Florida Gas Transmission Co. (Florida) at an existing point of interconnection in St. Helena Parish, La.

Applicant further states that no additional facilities are required to render this transportation service, for which Amoco will pay Applicant for 40 percent of the actual cost of constructing the Block 10 lateral as a grant in aid, together with its share of operating and maintenance costs, plus an initial charge of 10.25¢ per MMBtu delivered to Applicant net of compressor fuel and gas lost and unaccounted for.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hear-

ing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR DOC. 70-1166 Filed 1-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-50]

TRUNKLINE GAS CO.

Amendment to Pipeline Application

JANUARY 10, 1978.

Take notice that on December 19, 1977, Trunkline Gas Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-50 an Amendment to its Application for Temporary and Permanent Certificates of Public Convenience and Necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's Amendment provides for reimbursement by Panhandle of a portion of Trunkline's measurements and related facilities costs and annual operating and maintenance charges, as agreed by the parties.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1167 Filed 1-13-78; 8:45 am]

[6740-02]

[Project No. 2459]

WEST PENN POWER CO.

Application for Change in Land Rights

JANUARY 11, 1978.

Public notice is hereby given that an application was filed on August 21, 1975, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) (1970), by West Penn Power Co. (applicant) (correspondence to: David T. Cofer, Esq., West Penn Power Co., Cabin Hill, Greensburg, Pa. 15601) for a change in land rights at the Lake Lynn Project, FERC Project No. 2459. Project No. 2459 is located on the Cheat River in Monongalia County, W. Va., and Fayette County, Pa.

Applicant seeks Commission approval of its July 11, 1973, conveyance of lands within the boundary of the project in Monongalia County, W. Va., to the West Virginia Highway Department for the operation and maintenance of an existing bridge across the project reservoir. Construction of the bridge was commenced shortly after the conveyance in 1973. The bridge, an extension of U.S. Highway 48, is of steel deck truss construction and is 1,962 feet long and 87.5 feet wide with two lanes in each direction.

The property interests conveyed consist of: a fee simple interest in 0.87 acre and a permanent easement over 4.32 acres. The lands were conveyed and the bridge was constructed without prior Commission approval.

Any person desiring to be heard or to make protest with reference to said application should on or before March 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

The public is further advised that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-1168 Filed 1-13-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 843-1]

ENVIRONMENTAL PROTECTION CRITERIA FOR RADIOACTIVE WASTES

Announcement of Public Forum

AGENCY: Environmental Protection Agency.

ACTION: Announcement of Public Forum.

SUMMARY: The Environmental Protection Agency (EPA) will hold a Public Forum on Environmental Protection Criteria for Radioactive Wastes at the Stouffer's Denver Inn, Denver, Colo., March 30 to April 1, 1978. The purpose is to provide for extensive public review of a background report, available February 1, which includes the Office of Radiation Programs' initial formulation of proposed guidance for all types of radioactive wastes.

FOR FURTHER INFORMATION CONTACT:

Project Leader for Environmental Criteria, Waste Environmental Standards Program (AW-460), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 703-557-8927.

SUPPLEMENTARY INFORMATION: Notice has been given (41 FR 53363) that EPA intends to develop environmental radiation protection standards for high-level radioactive waste to assure protection of the public health and the general environment. This development will focus initially on two major outputs: General environmental protection criteria for all radioactive wastes, which are the subject of the Forum announced here, and numerical standards for high-level radioactive waste. These criteria and standards will be developed under the broad authorities transferred to the Agency from the former Atomic Energy Commission and the former Federal Radiation Council by Reorganization Plan No. 3 of of 1970.

Prior to developing its initial formulation of proposed guidance, the Agency has sought broad public input through two open workshops: at Reston, Va., on February 3-5, 1977, and at Albuquerque, N. Mex., on April 12-14, 1977. The purposes were to define key terms related to the radioactive waste problem, and to examine basic concepts concerning both the risks associated with wastes and the long term implications of their management, including disposal. Participants were free to advise EPA on any matter they consider appropriate.

EPA has now developed an initial formulation of proposed guidance for radioactive waste storage and disposal, using the inputs received from these workships to the extent feasible. Before finalizing this formulation into formal proposed guidance, the Agency feels it is desirable to have further public review and discussion, since many of the concepts involve new precedents in radiation protection. The initial formulation will be the basis for discussion at the Forum, and will be available as a source document by February 1, 1978.

The Forum will take place in Denver, Colo., at the Stouffer's Denver Inn on March 30 to April 1, 1978. Following brief presentations by EPA staff on how and why its recommendations were developed, working groups will be set up according to the topics the background report covers. Participants will be expected to direct their attention specifically to EPA's initial formulation of proposed guidance and to develop comments accordingly, rather than to explore the issues in general.

The Forum is free, but, to assist EPA in planning sufficient meeting arrangements, people who wish to participate are asked to pre-register with the Manager, EPA Workshop, Ecological Analysts, 257 Broad Hollow Road, Melville, N.Y. 11746. Anyone who attended either of the two previous workshops will automatically receive an invitation and a copy of the background document containing the Agency's initial formulation of proposed guidance. Those who would like to provide written comments instead of attending the Forum may request the same information from EPA at the above address. All comments received by either process will be considered in preparing the criteria for formal proposal in the FEDERAL REGISTER.

Dated: January 8, 1978.

DAVID HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc. 78-1176 Filed 1-13-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21516-21518, File Nos. BP-19846 etc.; FCC 77-868]

ANDROMEDA BROADCASTING SYSTEM, INC. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 21, 1977.

Released: January 13, 1978.

In re applications of Andromeda Broadcasting System, Inc., Roswell, N. Mex., Docket No. 21516, File No. BP-19846, Requests: 1430 kHz, 1kw Day, 5kw Night, for construction permit; Gordon L. Gay, trustee in bankruptcy, station KKAT, Roswell, N. Mex., Docket No. 21517, File No. BR-118, for renewal of license; Gordon L. Gay, trustee in bankruptcy (Assignor) and Rosendo Casarez, Jr. (Assignee), Docket No. 21518, File No. BAL-8580, for assignment of license.

I. The Commission has before it: (i) The above-captioned untimely filed 1974 license renewal application of Station KKAT, Roswell, N. Mex., filed September 25, 1974 and supplemented on May 17, 1977; (ii) a petition to deny the 1974 application, timely filed by Andromeda Broadcasting System, Inc. (Andromeda, petitioner or applicant);[1] (iii) late-filed responsive pleadings thereto; (iv) Andromeda's mutually exclusive application, as amended, filed November 25, 1974, seeking the silent facilities of KKAT; (v) informal objections to Andromeda's application, filed by John H. King, vice president and general manager of KBIM Radio, Roswell, N. Mex., and Walter E. Whitmore, Jr.; (vi) an amendment to Andromeda's application replying, inter alia, to King's objection; and (vii) an application for assignment of license of KKAT to Rosendo Casarez, Jr. from William L. Shaner, then trustee in bankruptcy of KKAT.[2]

2. *Background.* On January 12, 1972, the Commission granted Pecos Valley Entertainment, Inc. an assignment of its license application for KKAT from Southwestern Broadcasting, Inc. That license was to expire October 1, 1974. On February 11, 1974, the Commission granted a voluntary assignment of KKAT's license from Pecos to Andromeda (BAL-8050). An appropriate showing of unavailability of capital was evidenced, and, accordingly, an exception to the hearing requirements enumerated in section 1.597 of the Commission's rules (the "three year rule") was granted. Further, on March 11, 1974, Pecos filed for and, on May 6, 1975, was granted bankruptcy status in the United States District Court for the District of New Mexico. William L. Shaner Subsequently was appointed

[1] Andromeda since has filed a pleading entitled "supplemental information to petition to deny or to hold evidentiary hearing" which is unsupported by affidavits. The supplement contains, inter alia, a lengthy chronological account of Andromeda's negotiations to purchase KKAT. Because the supplement contains unsupported allegations previously known to petitioner and was not specifically requested by the Commission, §§ 1.580(j) and 1.45 of the rules, 47 CFR 1.580(j) and 1.45, we will dismiss this pleading as unauthorized.

[2] By letter filed with the Commission December 29, 1976, Gordon L. Gay apprised the Commission that he had been appointed trustee in bankruptcy to succeed Mr. Shaner. He, too, seeks assignment of the license and facilities to Casarez.

trustee in bankruptcy by order of that Court (Cause No. B-74-229). On April 3, 1974, the Commission granted an involuntary assignment of KKAT's facilities from Pecos Valley entertainment, Inc. to Pecos Valley Entertainment, Inc., debtor-in-possession (BAL-8112). On April 18, 1974, KKAT went off the air and the Commission subsequently granted authority to remain silent until September 1, 1976. Due to these and other circumstances, Andromeda advised the Commission that its assignment would not be consummated. Then, on January 16, 1976, an application for assignment of license (BAL-8580) from William L. Shaner, then trustee, to Rosendo Casarez, Jr. was accepted for filing by the Commission. Finally, on September 20, 1977, the Commission granted an involuntary assignment of KKAT's facilities (BAL-9098) from former trustee Shaner to the present trustee, Gordon L. Gay (see n. 2, supra).

3. *Andromeda's Petition to Deny.*[3] Initially, Andromeda contends the license renewal application is procedurally defective in that Pecos failed to submit to the Commission its annual license fee for 1973 and 1974; the application was filed more than two months late;[4] and Pecos "ignored" the newspaper publication requirements set forth at Rule 1.580. Petitioner also maintains Pecos substantively violated the Commission's rules by effecting a transfer of negative control to Rosendo Casarez, Jr., through redemption of the stock of one of its principals, E. Ray Phelps, to the corporate treasury without filing an application with the Commission. In opposition, Shaner, then trustee, states, inter alia, he applied to the United States District Court for the District of New Mexico for authority to sell the station's assets and license; and at a meeting of Pecos' creditors, including Andromeda, held July 30, 1975, Casarez offered to purchase KKAT's license subject to Commission approval of assignment of the license. Shaner further maintains Andromeda did not object to this proposal and subsequently the sale was approved by the Court. On November 4, 1975, an order transferring the assets from Pecos, the bankrupt, to the trustee was effectuated. Shaner then filed an application with the Commission to assign the station's license to Casarez (see para. 2, supra). Finally, Shaner claims to have no personal knowledge of the allegations contained in Andromeda's pleading because the complained-of matters allegedly occurred prior to the bankruptcy. In reply, petitioner alleges trustee's opposition was untimely filed,[5] and it vigorously opposed in court Shaner's request to assign the station's license to Casarez, a former officer and stockholder of KKAT (Appendix B, reply).

4. Initially, it does not appear that license has made the required notification of the filing of the station's 1974 renewal application as well as the 1977 supplement thereto as required by § 1.580 of our rules. Accordingly, we will require licensee to provide such notice. Because the station is silent and, therefore, is not an "operating broadcast station," § 1.580(c) of the rules (pertaining to newspaper publication) is applicable.[6] In this regard, we note that the publication procedures set forth in §§ 1.580(c) and 1.594 (the latter requires newspaper publication by renewal applicants designated for hearing) virtually are identical. Accordingly, we shall allow licensee to make one publication series to satisfy the requirements of both sections. Such notice shall contain language consonant with the provisions of § 1.580(d)(2) and 1.594(e)(1). George E. Cameron, Jr. Communications, 56 FCC 2d 752 (1975), vacated, 58 FCC 2d 622 (1976), reinstated, FCC 77-449, released June 24, 1977. Further, since Rule 1.594 provides that members of the public may write the Commission and give evidence concerning the designated issues within thirty days of the release date of the Commission's order specifying the time and place of the hearing, id. at 756, and Rule 1.223 provides that persons may intervene in hearing proceedings by filing a petition to intervene not later than thirty days after publication of the issues in the FEDERAL REGISTER, we believe that the right of the public to participate in the instant proceeding is preserved despite the fact that KKAT failed to make the requisite publication. Therefore, we need not extend the time for filing petitions to deny or other renewal objections. Rather, we believe that the public interest would best be served by speedy resolution of the applications and issues now under consideration.[7]

5. We turn now to Andromeda's remaining allegations concerning Pecos' failure to pay its 1973 and 1974 annual license fees as required by suspended Rule 1.1111, failure to return the station to full broadcast operation pursuant to Rule 73.71, and failure to submit a 1973 ownership report as required by Rule 1.615. First, regarding license fees, in response to an action of the United States Court of Appeals in *National Association of Broadcasters, et al.* v. *FCC*, 554 F. 2d 118 (D.C. Cir. 1976),[8] in which the court remanded the Commission's orders relating to its schedule of fees, we determined the appropriate, immediate response would be to suspend any further collection of fees effective January 1, 1977 and to undertake a study of the legal and administrative implications of refunding fees. Suspension of Subpart G of Part 1 of the Commission's rules, FCC 76-1197, 39 RR 2d 442 (1976). Accordingly, since the Commission no longer requires payment of such fees and considering the financial status of the applicant during this period, we do not believe that this matter is of such significance as to warrant exploration in hearing. Second, regarding the station's silence, because of KKAT's bankrupt status and the present trustee's lack of intent to operate the station—in fact, he seeks to assign the station's facilities—we shall grant authority to KKAT to continue to remain silent (see para. 13, infra). Thus, we perceive no need to resolve this matter in hearing. Finally, we note Pecos has cured its failure to submit a 1973 ownership report by

[3] We do not purport to set forth fully every detail of the pleadings before us. We believe, however, that the allegations stated infra adequately describe the substance of the pleadings and provide sufficient basis for our conclusions. 47 U.S.C. 309(d)(2).

[4] Section 1.539 requires a license renewal applicant to file its application no later than the first day of the fourth month prior to the expiration date of its license. However, Pecos filed its application almost three months late—September 25, 1974.

[5] By staff letter dated February 2, 1976, Shaner was apprised no opposition to Andromeda's pleading had been filed by Pecos and was afforded 30 days to respond; he did so on February 26, 1976—approximately 15 months after the opposition was due.

[6] Section 1.580(c) states in pertinent part that notice of filing of a renewal application shall be published in a daily newspaper at least twice a week for two consecutive weeks within the three-week period immediately following the tendering for filing of the application.

[7] We note in this regard that the failure to comply with pre-filing and post-filing publication requirements cannot, by its own terms, be construed as allowing the filing of additional mutually exclusive applications. The notice required by Rule 1.580—notification of filing renewal applications—is designed to alert the public to the filing of renewal applications and the dates for filing objections thereto; whereas Rule 1.516(e)(1)—filing of mutually exclusive applications—gives prospective applicants the precise dates for filing competing applications. Thus, Rule 1.580 is tied to timely notice to the public by the applicant but Rule 1.516 is tied to the filing of the renewal application. Hence, the failure of a licensee to make the required pre-filing and post-filing announcements does not in our view automatically extend the time for filing mutually exclusive applications. However, this does not preclude a compelling and persuasive showing for waiver of Rule 1.516. See Cameron, supra at 760-61.

[8] See also *National Cable Television Association, Inc., et al.* v. *FCC*, 554 F. 2d 1094 (D.C. Cir. 1976); *Electronics Industries Association, et al.* v. *FCC*, 554 F. 2d 1109 (D.C. Cir. 1976).

subsequently filing ownership reports on September 10, 1974, December 29, 1975 and May 19, 1977. Accordingly, these three matters raise no substantial and material questions of fact to warrant further exploration at an evidentiary hearing.

6. Our review of Pecos' ownership report, FCC Form 323, filed September 10, 1974, indicates Rosendo Casarez, Jr., former officer and shareholder, who previously owned 49 percent of the corporate stock, acquired negative control by virtue of the redemption of Phelps' stock to Pecos' treasury (see para. 3, supra), which resulted in his acquisition of 50 percent of the total (3068 of 6076 outstanding corporate shares). In this instance, prior consent should have been obtained by the filing of FCC Form 316, Clay Broadcasters, Inc., 21 RR 2d 442 (1971). We are concerned about this matter and believe that the facts and circumstances surrounding this apparent unauthorized transfer of control should be fully explored in hearing. Normally the licensee should be made to defend such allegations in the evidentiary hearing. Here, however, we are confronted with a unique situation where the present licensee is a trustee in bankruptcy with no knowledge of the facts involved in the alleged wrongdoing. Furthermore, the station is no longer in operation and the trustee does not intend to operate the station but rather seeks to assign the station to Casarez. Since Casarez allegedly was involved in the unauthorized transfer as a former 49 percent stockholder of Pecos, the prior licensee, and now is seeking to purchase the station's remaining assets through assignment of license, we believe under these circumstances that the public interest would best be served by making Casarez come forth at the hearing and explain these charges. Accordingly, we will specify an unauthorized transfer of control issue against Casarez in his capacity as the proposed assignee of KKAT. Furthermore, since it is Casarez and not Gordon L. Gay as trustee of KKAT who will be competing with Andromeda to operate the facilities of KKAT, the renewal application and assignment application will be "taken in conjunction with" the competing application of Andromeda, discussed *infra*. See Bronco Broadcasting Corp., 50 FCC 2d 529, 536 (1974), recon. den., 52 FCC 2d 836 (1975).

THE COMPETING APPLICATION

7. As noted at para. 1, supra, informal objections were filed against Andromeda's application for KKAT's facilities. We turn first to King's objection. King contends seven of Andromeda's initial 46 alleged community leader interviews never took place and supports this allegation with sworn corroborating statements of these seven individuals. He also claims Andromeda's survey falsely stated that half of the leaders contacted are Mexican-American. On April 22, 1976, the Commission asked Andromeda to respond to these allegations. Thereupon, Andromeda amended its application on June 4, 1976, claiming John L. Wardy, its president, personally had conducted the disputed interviews in October 1973, and had contacted eight Mexican-American community leaders during a supplemental survey conducted in May and June, 1976. Andromeda also submitted five affidavits (Appendices I-K), viz.: (1) Three affidavits from alleged community leaders contradicting their earlier affidavits and now claiming they had been contacted by the applicant, and also citing Wardy's 1973 leader survey questionnaires which they aver correctly reflect their responses; (2) the affidavit of Tim Scott, a former King employee, claiming "gross misunderstanding" occurred during the process of his securing an unspecified number of the seven King affidavits; and (3) Wardy's affidavit averring he was unable to obtain counteraffidavits from the four other King affiants—Paul J. Kelly, Jr., Joyce B. Walker, Barbara Kelly and Tom M. Thornton, Jr.

8. The Commission hence is unable to determine the bona fides of four of Andromeda's community leader interviews and the validity of its claim that half of the original interviewees are Mexican-American. Further, we note the Wardy affidavit is based on speculation and surmise regarding the reasons those community leaders retracted the alleged 1973 survey questionnaires, and the Scott affidavit does not define the "gross misunderstanding." Thus, the Commission is confronted with conflicting affidavits raising serious questions of misrepresentation concerning certain aspects of Andromeda's community leader survey. These questions are best resolved on the basis of an evidentiary record, and an appropriate issue therefore will be specified. See, "e.g., Folkways Broadcasting Co., Inc.," 27 FCC 2d 619, 621 (Rev. Bd. 1971). While we note factors which arguably make such an inquiry unnecessary—i.e., some of the challenged interviewees may not be classifiable as community leaders, and Andromeda's submission of its amended list of community leaders, which omits the disputed four interviewees and satisfies the requirements of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971)—the issue nonetheless is appropriate. This is so because the fact of concealment may be more significant than the fact concealed, and the willingness to deceive a regulatory body may be reflected by immaterial deceptions as well as by material ones. *FCC* v. *WOKO, Inc.*, 329 U.S. 222 (1946).

9. Whitmore's informal objection presents another basis for designation of a misrepresentation issue. In its June 4, 1976 amendment, Andromeda presents a completely revised financial showing. It maintains it will reduce equipment costs because Whitmore, the apparent owner of KKAT's antenna site, will make available the use of the station's antenna system as part of Andromeda's $1,500-per-year leasing arrangement with Whitmore for land. Andromeda states it will file Whitmore's forthcoming letter confirming the lease as an amendment to its application. Instead, however, the Commission has been apprised in Whitmore's objection that he repudiates the alleged lease, that Wardy's letter to him (Appendix E, amendment) purports to substantiate conversation which never occurred, and that Whitmore never made any leasing arrangements with Wardy. Whitmore also submitted a letter from his attorney to Andromeda's counsel in Albuquerque and Las Vegas, charging Wardy fabricated the content of his letter and demanding the Commission be so advised. This situation again raises a question of misrepresentation, and also casts doubt upon Andromeda's financial ability to construct and operate as proposed. Entirely apart from the Whitmore allegations, Andromeda's most recently filed balance sheet is dated October 31, 1973. Consequently, the Commission cannot determine the applicant's current financial condition and thus a financial issue will be specified.

10. Moreover, Andromeda's amendment to its application of October 28, 1976, raises additional financial questions. New cost data submitted with the amendment indicates Andromeda would require $103,185 to construct the station and operate it for one year without revenues. This figure is itemized as follows:

Down payment on equipment valued at $50,014	$12,504
14 additional payments on equipment balance	8,750
14 mos. interest on unpaid balance at 8 percent	3,501
Miscellaneous	11,000
Items not covered by manufacturer's letter of credit in the amount of $50,014, dated May 3, 1976 ($97,004 estimated equipment costs minus $50,014)	46,990
Working capital requirement	20,440
Total	$103,185

To meet this requirement, applicant proposes to rely upon $84,000 in capital available to ABS Records, wholly owned by Andromeda's president Wardy, and upon the proceeds of the sale of Wardy's house, projected as being between $70,000 and $75,000. Doubt as to availability of the $84,000 is created by the ABS Records balance sheet which reflects the unusual situation of no liabilities despite the com-

pany's doing an annual business volume exceeding $300,000. As to Wardy's house, the proceeds of its sale may not be considered available to Andromeda because Wardy has not filed a personal balance sheet showing whether there are liens against the property, as required by Section III, page 3, para. 4(b) of the application form (FCC Form 301). In the absence of any information on liens (e.g., mortgages) or the costs of sale (e.g., commissions), the Commission cannot determine how much of the proceeds would be available for Andromeda's use. In light of these considerations, applicant has failed to demonstrate it is financially capable of carrying out its proposal, and we think these matters also must be explored at hearing.

CONCLUSION

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, and in light of the substantial and material questions with respect to both applicants discussed supra, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

12. *Accordingly, it is ordered:* (a) That the petition to deny renewal of Pecos' license, filed by Andromeda Broadcasting System, Inc., is granted only to the extent indicated herein and is denied in all other respects; (b) That the informal objections to grant of Andromeda's application, filed by John H. King and Walter E. Whitmore, Jr., are granted only to the extent indicated herein and are otherwise denied; and (c) That Andromeda Broadcasting System, Inc., John H. King, Walter E. Whitmore, Jr. and Rosendo Casarez, Jr., are made parties to the hearing ordered herein.

13. *It is further ordered,* That, no motion of the Commission, Station KKAT's authorization to remain silent is granted until the matters raised in the instant Order have been resolved.

14. *It is further ordered,* That, the public is given thirty (30) days from the release date of the Commission order setting the time and place for the hearing in which to file evidence concerning the issues raised at para. 15, infra.

15. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) With respect to the mutually exclusive application for the facilities of Station KKAT filed by Andromeda Broadcasting System, Inc.:

(a) To determine whether Andromeda misrepresented facts to the Commission or was lacking in candor in connection with its community leader consulations;

(b) To determine whether Andromeda misrepresented to the Commission that half its community leader interviews were with Mexican-Americans;

(c) To determine whether Andromeda misrepresented facts to the Commission or was lacking in candor concerning its alleged agreement with Walter E. Whitmore, Jr. regarding the availability to Andromeda of the KKAT antenna system;

(d) To determine whether Andromeda is financially qualified to construct the proposed facility and operate it for one year without revenues; and

(e) To determine the effects of the evidence adduced pursuant to (a), (b), (c), and (d) above on the basic and/or comparative qualifications of Andromeda to be a Commission licensee.

(2) With respect to the application for assignment (BAL-8580) of KKAT's facilities to Rosendo Casarez, Jr.:

(a) To determine the facts and circumstances surrounding the transfer of control of Pecos Valley Entertainment, Inc., debtor-in-possession, to Rosendo Casarez, Jr.;

(b) To determine the effects of the evidence adduced pursuant to (a) above on the basic and/or comparative qualifications of Rosendo Casarez, Jr. to be a Commission licensee.

(3) In the event is is determined that both applicants have the requisite qualifications to be Commission licensees pursuant to the evidence adduced under the foregoing issues, to determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

16. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence under issues 1 (a) and (b) shall be upon John H. King; under issue 1(c), upon Walter E. Whitmore, Jr.; and under issues 1(d) and 2(a), upon Andromeda Broadcasting System, Inc., since with the exception of issue 1(d), the issues were raised by petitioner or objectors herein, and such information regarding the financial, character and operational qualifications at issue is peculiarly within the above parties' knowledge; and that the burden of proof under issues 1(a)-(e) shall be upon Andromeda Broadcasting System, Inc; and, under issues 2(a) and 2(b), upon Rosendo Casarez, Jr.

17. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

18. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rules (as modified at para. 4, *supra*), and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

19. *It is further ordered,* That the Secretary of the Commission shall send, by Certified Mail-Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties to this proceeding.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 77-1100 Filed 1-13-78; 8:45 am]

[6712-01]

[Report No. I-426]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JANUARY 11, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO.
Secretary.

SATELLITE COMMUNICATIONS SERVICES:

CA—220-DSE-ML-78 Satellite Transmission & Receiving Co. (STARCO) Hayward, Calif. Modification of license to convert this facility to a common carrier non-profit, cost-sharing basis.

[FR Doc. 78-1103 Filed 1-13-78; 8:45 am]

[6712-01]

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: January 6, 1978.

Released: January 10, 1978.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's Rules, that on February 24, 1978, the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 23, 1978 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 23, 1978.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

For the Federal Communications Commission,

WILLIAM J. TRICARICO,
Secretary.

BPCT-5088 (new), Cocoa, Fla., Astro Enterprises, Inc. Channel 20. ERP: Vis.: 194 kW, HAAT: 220 ft.

BPCT-5107 (new), Salt Lake City, Utah, Springfield Television of Utah, Inc. Channel. ERP: Vis.: 507 kW, HAAT: 3691 ft.

BPCT-5108 (new), Jacksonville, Fla., Malrite of Jackson, Inc. Channel. ERP: Vis.: 4091 kW, HAAT: 976 ft.

BPCT-5109 (new), Atlantic City, N.J., Atlantic City Television Corp. Channel. ERP: Vis.: 1832 kW, HAAT: 465 ft.

BPCT-5121 (new), Harlingen, Tex., Texas Consumer Education and Communications Development Committee. Channel 60. ERP: Vis.: 599 kW, HAAT: 1407.5 ft.

BPET-587 (new), Conway, S.C., South Carolina Educational TV Commission. Channel. ERP: Vis.: 873 kW, HAAT: 822 ft.

BPET-592 (new), Spartanburg, S.C., South Carolina Educational TV Commission. channel. ERP: Vis.: 838 kW, HAAT: 957 ft.

BPET-593 (new), Los Angeles, Calif., Quality Broadcasting Corp. Channel 68. ERP: Vis.: 1925 kW, HAAT: 2870 ft.

[FR Doc. 78-971 Filed 1-13-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Amendment No. 4 to Commission Order No. 1 (Revised)]

ORGANIZATION AND FUNCTIONS

Section 7. Specific Authorities Delegated to Managing Director

Subsection 7.21 is added to the Revised Order to give the Managing Director authority to carry out certain provisions of 46 CFR Part 507. The new subsection is added to read:

7.21 Authority pursuant to section 19 of the Merchant Marine Act of 1920 and 46 CFR Part 507 to (1) issue orders of the Commission requiring a "favored carrier" to show cause why such carrier is not in violation of 46 CFR Part 507 and why it should not be ordered to cease and desist such violations whenever the Commission receives notification from the U.S. Customs Service or is otherwise aware that a vessel owned, operated, controlled by, or carrying cargo for such "favored carrier" has departed a U.S. port while carrying cargo destined for Guatemala and such carrier does not have an Equalization Fee Payment Guarantee on file with the Commission or such carrier does not file an Equalization Fee or Summary Report of Cargo Carryings within four days of his departure from the last U.S. port of call; (2) to reject any Surety Bond (FMC Form 128), Equalization Fee Payment Guarantee (FMC Form 129) or Summary Report of Cargo Carryings (FMC Form 147) whenever such forms are incomplete, inaccurate or incorrectly filed or completed as required by 46 CFR Part 507; (3) receive any payment of money due under 46 CFR Part 507; (4) to return any Equalization Fee on cargo not subject to the duty free or other benefits of the Guatemalan industrial development laws or Central American Agreement on Tax Incentives for Industrial Development; and (5) return any amount received as a guarantee for the payment of Equalization Fees upon a showing that the carrier has withdrawn from the U.S./Guatemalan trade and that all Equalization Fees and Summary Reports have been filed.

RICHARD J. DASCHBACH,
Chairman.

JANUARY 13, 1978.

[FR Doc. 78-1107 Filed 1-13-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANKSHARES OF NEBRASKA, INC. AND HASTINGS STATE CO.

Proposed Acquisition of First Savings Company of Hastings

Bankshares of Nebraska, Inc., Grand Island, Nebr., and Hastings State Co., Hastings, Nebr., have applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to form a joint venture by acquiring voting shares of First Savings Co. of Hastings, Hastings, Nebr., a de novo corporation. Notice of the application was published on November 21, 1977, in The Hastings Daily Tribune, a newspaper circulated in Adams County, Nebr.

Applicants state that the proposed subsidiary would engage de novo in the activities of operating an industrial loan and investment company pursuant to the laws of the State of Nebraska, and also of acting as insurance agent for the sale of credit life insurance that is directly related to extensions of credit by First Savings Co. of Hastings. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 5, 1978.

Board of Governors of the Federal Reserve System, January 9, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-1049 Filed 1-13-78; 8:45 am]

[6210-01]

FIRST STATE HOLDING CO. OF ELKHART

Formation of Bank Holding Company

The First State Holding Co. of Elkhart, Elkhart, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.33 percent of the voting shares of the First State Bank of Elkhart, Elkhart, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 8, 1978.

Board of Governors of the Federal Reserve System, January 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-1050 Filed 1-13-78; 8:45 am]

[6210-01]

SEBEKA BANCSHARES, INC.

Formation of Bank Holding Company

Sebeka Bancshares, Inc., Sebeka, Minn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.7 percent of the voting shares of Security State Bank of Sebeka, Sebeka, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 1, 1978.

Board of Governors of the Federal Reserve System, January 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-1051 Filed 1-13-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PHYSICIANS IN ARIZONA

Designation of Professional Standards Review Organization for PSRO Area II

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Greater Southern Arizona PSRO, Inc., designating it as the Professional Standards Review Organization for PSRO Area II of Arizona. That notice was also published in three consecutive issues of the Arizona Daily Star, Tucson Daily Citizen, and the Yuma Daily Sun on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II who objected to the proposed agreement on the grounds that the Greater Southern Arizona PSRO, Inc., is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area II of Arizona have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Greater Southern Arizona PSRO, Inc., designating it as the Professional Standards Review Organization for PSRO Area II of the State of Arizona.

Dated: January 6, 1978.

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

[FR Doc. 78-948 Filed 1-13-78; 8:45 am]

[4110-35]

PHYSICIANS IN NORTH CAROLINA

Designation of Professional Standards Review Organization for PSRO Area VII

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Metrolina Medical Foundation Peer Review, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII of North Carolina. That notice was also published in three consecutive issues of the Observer, News, and Gazette on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII who objected to the proposed agreement on the grounds that the Metrolina Medical Foundation Peer Review, Inc., is not representative of doctors in that Area, mail written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VII of North Carolina have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Metrolina Medical Foundation Peer Review, Inc., designating it as the Professional Standards Review Organization for PSRO Area VII of the State of North Carolina.

Dated: January 6, 1978.

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

[FR Doc. 78-949 Filed 1-13-78; 8:45 am]

[4110-35]

PHYSICIANS IN OHIO

Designation of Professional Standards Review Organization for PSRG Area VI

On August 25, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Region Six Peer Review Organization, designating it as the Professional Standards Review Organization for PSRO Area VI of Ohio. That notice was also published in three consecutive issues of the Akron Beacon Journal and The Record Courier on August 25, 26, and 27, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI who objected to the proposed agreement on the grounds that the Region Six Peer Review Organization is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 24, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VI of Ohio have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Region Six Peer Review Organization, designating it as the Professional Standards Review Organization for PSRO Area VI of the State of Ohio.

Dated: January 6, 1978.

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

[FR Doc. 78-950 Filed 1-13-78; 8:45 am]

[4110-35]

PHYSICIANS IN PENNSYLVANIA

Designation of Professional Standards Review Organization for PSRO Area V

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Midwestern Pennsylvania PSRO, designating it as the Professional Standards review Organization for PSRO Area V of Pennsylvania. That notice was also published in three consecutive issues of the Butler Eagle, New Castle News, The News Herald, The Derrick, Indiana Evening Gazette, Sharon Herald, Leader-Times, The

Courier-Express, and Progress on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V who objected to the proposed agreement on the grounds that the Midwestern Pennsylvania PSRO is not representative of doctors in that Area, mail a written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area V of Pennsylvania have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Midwestern Pennsylvania PSRO designating it as the Professional Standards Review Organization for PSRO Area V of the State of Pennsylvania.

Dated: January 6, 1978.

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

[FR Doc. 78-951 Filed 1-13-78; 8:45 am]

[4110-35]

PHYSICIANS IN VIRGINIA

Designation of Professional Standards Review Organization for PSRO Area I

On August 19, 1977, I published a notice announcing the Secretary's intent to enter into an agreement with the Shenandoah PSR Foundation, designating it as the Professional Standards Review Organization for PSRO Area I of Virginia. That notice was also published in three consecutive issues of the Winchester Evening Star, Progress Staunton News Leader, and The Free Lance-Star on August 19, 20, and 22, 1977.

In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the Area. Those organizations and facilities were asked to inform actively practicing member doctors as to the contents of the notice.

The notice provided that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I who objected to the proposed agreement on the grounds that the Shenandoah PSR Foundation is not representative of doctors in that Area, mail written objection to the Secretary on or before September 19, 1977.

The Secretary has determined that not more than 10 percent of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area I of Virginia have expressed timely objection. Therefore, the Secretary has entered into an agreement with the Shenandoah PSR Foundation designating it as the Professional Standards Review Organization for PSRO Area I of the State of Virginia.

Dated: January 6, 1978.

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

[FR Doc. 78-952 Filed 1-13-78; 8:45 am]

[4110-12]

Office of the Secretary

HEALTH AND ENVIRONMENTAL EFFECTS OF INCREASED USE OF COAL UTILIZATION

Advisory Committee Report

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notice of Advisory Committee Report for public comment.

SUMMARY: At the request of the Department of Energy, the Secretary of Health, Education, and Welfare appointed an advisory committee to study the health and environmental effects of increased coal production and use, including coal mining and the construction of new coal-burning facilities. An increase in the production and utilization of coal as an energy source is anticipated in the National Energy Plan (NEP).

The Advisory Committee Report concludes that it is safe to proceed with significantly increased use of coal in the U.S. to generate energy, as proposed in the National Energy Plan through 1985 if strong environmental and safety policies are followed. The Committee identified six major areas of uncertainty and concern requiring further investigation and finally strongly recommended establishment of an improved national environmental data collection, modeling and monitoring system.

The Committee's Report will be transmitted to the President, together with the summary of the public comments received.

DATES: Written comments on the Advisory Committee's recommendations are requested and should be received on or before (90 days from the date of publication of this Notice) if they are to receive full consideration.

ADDRESSES: Send comments to: Frederick M. Bohen, Executive Secretary, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Dr. Phil E. Schambra, Associate Director for Interagency Programs, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709, 919-541-3467.

SUPPLEMENTARY INFORMATION: The National Energy Plan announced that the President would appoint a special committee to study the health effects of increased coal production and use and the environmental constraints on coal mining and on the construction of new coal burning facilities. The Plan indicated that the Committee would report to the President late in 1977, and the Committee Report reprinted here fulfills that commitment.

The Committee was chartered by the Department of Health, Education, and Welfare in October and was directed by David Rall, Director, National Institute of Environmental Health Sciences. Its members are:

Auerbach, Stanley L., Prof., Director, Environmental Sciences Division, Oak Ridge National Laboratory, Oak Ridge, Tenn. 37380.

Friedlander, Sheldon Kay, Dr., Department of Environmental Science and Engineering, California Tech, Pasadena, Calif. 91107.

Key, Marcus M., Prof., Professor of Occupational Medicine, School of Public Health, University of Texas Health Science Center at Houston, Room N210, P.O. Box 20186, Houston, Tex.

Nelson, Norton, Prof., Director, Institute of Environmental Medicine, New York University Medical Center, New York, N.Y. 10016.

Newman, Monroe, Prof., Professor of Economics, Pennsylvania State University, University Park, Pa. 16802.

Orians, Gordon H., Prof., Director, Institute for Environmental Studies, University of Washington, Seattle, Wash. 98195.

Rasmussen, Donald L., Director, Appalachian Pulmonary Laboratory, Inc., 3064 Stanford Road, Beckley, W. Va. 25801.

Sarofim Adel F., Prof., Professor of Chemical Engineering, Massachusetts Institute of Technology, Cambridge, Mass. 02139.

Shy, Carl, Prof., Director, Institute for Environmental Studies, University of North Carolina, Chapel Hill, N.C. 27514.

Neither the Department of Health, Education, and Welfare, the Department of Energy, nor the Environmental Protection Agency has yet completed review of the Committee's Report, and the views set forth in the Report are solely those of the Committee.

Dated: January 4, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.
DECEMBER 23, 1977.

MEMORANDUM FOR THE SECRETARY

SUBJECT: REPORT OF THE COMMITTEE ON HEALTH AND ENVIRONMENTAL EFFECTS OF INCREASED COAL UTILIZATION

I am pleased to transmit this report on behalf of the Committee. This memorandum summarizes the major results of this review.

The National Energy Plan (NEP) proposed a significant increase in the use of coal in the U.S. In view of the potential for adverse effects, the Administration indicated its support for strong environmental and safety policies. The NEP acknowledged that some uncertainty will continue over the environmental impacts of increased coal utilization, and recommended appointment of this special Committee to review these impacts.

The Committee has dealt with only conventional coal combustion and looked at the effects anticipated through 1985. We have, however, considered important longer term problems. This report is not intended to be the "final word" on these issues, rather, the Committee sought to determine whether it was safe to proceed with the NEP and to identify areas of uncertainty and concern. Separate studies are underway on the other important issues such as water availability, coal transportation and socio-economic impacts of energy development.

The Committee's basic finding is that it is safe to proceed with NEP through 1985 if strong environmental and safety policies are followed. The Committee identified six major areas of uncertainty and concern requiring further investigation and finally strongly recommends establishment of an improved national environmental data collection, modeling and monitoring system.

At the outset, it must be realized that—given the present state-of-the-art in environmental forecasting and the quality of available data—it is very difficult to discern significant differences in environmental or public health effects between the business-as-usual (BAU) and NEP coal consumption levels. The Committee concludes that, even with the best mitigration policies, there will be some adverse health and environmental effects from the dramatic increase in coal use. However, these will not impact all regions and individuals uniformly. Singly and collectively, these effects should not be of sufficient magnitude *by 1985* to require modification of the NEP if the following policies are adhered to rigorously:

Compliance with Federal and State air, water and solid waste regulations;
Universal adoption and successful operation of best available control of technology on new facilities;
Compliance with reclamation standards;
Compliance with mine health and safety standards;
Judicious siting of coal-fired facilities.

The minimization of adverse health or environmental effects from the 1985 coal production and use levels in either the NEP or BAU scenarios requires that the following be recognized.

While increased health and environmental problems resulting from either the BAU or NEP probably will be modest and localized, this conclusion is dependent upon adherence to all of the five policies listed above. Industry, government, and the public need to realize that increased costs for pollution control and environmental protection is a part of the price tag of NEP, or any other plan resulting in increased use of coal.

The NEP forecasts an annual increase of 177 million tons of coal by non-utility industries by 1985. Unlike large power plants, most of these smaller facilities will be located near high density population areas. Emissions from these smaller industrial plants will be difficult to control. DOE and EPA should pay attention to the siting and control of these sources.

There are a number of uncertainties that impair the confidence in which potential adverse health and environmental effects can be assessed.

The Committee has identified a number of issues. The following six issues urgently need attention if the Nation is to minimize undesirable consequences of increased coal utilization now, and in the future:

There are two critical health issues:

Air pollution health effects. Current standards may not provide adequate health protection from all coal combustion products. The evidence that some acid particles have greater impact on public health than other particles increases our need to resolve the critical problems related to the transport, transformation and health effects of these atmospheric pollutants.

Coal mine worker health and safety. Strict enforcement of the Federal Coal Mine Safety and Health Act of 1977 should further reduce the risks to workers in the coal industry. Even with strict enforcement, in order to be certain that present standards provide adequatre protection, effective health monitoring and assessment will be necessary. Continued improvement in miner's safety will require increased education, especially for new miners. New developments, such as use of Diesel powered underground equipment, require further study of potentially deleterious health effects.

There are two critial environmental issues:

Global effects of carbon dioxide in the atmosphere. Combustion of fossil fuels (especially coal) is increasing global atmospheric CO_2. This could induce climatic changes with the potential for generating global socio-political disruption within fifty years. It is urgent that we continue a strong research program to provide a sound basis for action no later than 1985. Because of its global character, the U.S. should immediately initiate a continuing international dialogue on this problem.

Acid fallout. Emissions of SO_2, and NO_x have increased the acidity of precipitation in the northeaster U.S. sufficiently to have affected fish populations in many lakes, and may already be reducing forest and agricultural productivity. since both BAU and NEP are projected to increase emissions of SO_2 and NO_x, a major effort is needed to to verify casual relationships and project future effects.

There are two additional important issues:

Trace elements. Increased use of coal results in wastes that contain trace elements, many of which are toxic. These elements can leach and migrate into water or enter food chains in quantities which could impact public health and environmental quality. Better data are needed to assess the extent to which these elements enter into the biosphere.

Reclamation of arid land. Enforcement of the Surface Control and Reclamation Act of 1977 will mitigate many adverse environmental effects of surface mining. However, it is not certain that some arid areas can be restored, even following full compliance with standards. Prudence dictates that surface mining be deferred in these arid areas when information about their reclaimability is incomplete.

This has been an exercise in environmental forecasting, an exercise which the Committee feels must be performed on a recurring basis. However, the Committee members unanimously expressed reservations about the data and tools available for effective forecasting. Data on future coal consumption, on emission inventories, and on current and future ambient air quality are often incomplete, discontinuous, conflicting, or unavailable for specific pollutants and for specific locations. Methods for converting emissions into concentrations of substances in air and water (modeling) are controversial and sensitive to initial assumptions. Monitoring systems, which could generate data and verify modeling forecasts, are inadequate as to number, location, uniformity and reliability. Often, these systems measure the wrong pollutants at the wrong time. Current public and private expenditure for air pollution control alone are estimated to exceed $13 billion per year. The new requirements for best available control technology and for nondegradation will add to these already substantial sums. Thus, a more effective data collection, modeling and monitoring program appears to be a highly cost-effective Federal investment. such a program, with adequate reserarch on health and environmental effects, would result in more precise answers and yield better public policy decisions. The Committee is convinced that an improved national monitoring system is a prerequisite for making good public policy choices, reducing levels of uncertainty and controversy, and providing a basis for a cost-effective evaluation of standards.

Our attached report discusses these issues in more detail.

The Committee members wish to express their thanks for the opportunity to participate in the discussion of this important public policy issue.

DAVID P. RALL, M.D., PH. D.,
Chairman, Committee on Health and Environmental Effects of Increased Coal Utilization; Director, National Institute of Environmental Health Sciences.

REPORT OF THE COMMITTEE ON HEALTH AND ENVIRONMENTAL EFFECTS OF INCREASED COAL UTILIZATION

INTRODUCTION

Coal is harder to handle and is dirtier in combustion than either oil or natural gas. Yet, because coal is the most abundant domestic fossil fuel, economics, national security and common sense provide parallel and strong incentives to use more coal. By careful control of all aspects of the mining, transport and use of coal, these adverse effects can be reduced, but not eliminated, and they form part of the social costs of coal utilization. Some of the potentially serious health and environmental effects of increased coal utilization are:

Underground mining of coal is associated with a high rate of worker accidents and chronic debilitating lung disease, particular-

ly coal worker's pneumoconiosis (black lung).

Surface mining causes disruption of natural landscapes and aquifers, and drainage from mine tailings and abandoned mines may impact natural waters and their inhabitants.

Coal combustion releases carbon dioxide to the atmosphere and at elevated levels this could cause climate modifications with potential for serious social disruption.

Coal contains sulfur, nitrogen and trace elements; during combustion sulfur dioxide, oxides of nitrogen, trace elements and particulate matter are released in stack gases and become airborne.

These pollutants are irritants of the respiratory system. Both sulfur dioxide and nitrogen dioxide can react in the atmosphere to become even more toxic. Exposure to elevated levels of these pollutants can increase the number and severity of attacks in persons with existing bronchial disorders, and can contribute to chronic respiratory diseases.

These airborne pollutants contribute to the formation of acid rain which is already decreasing fish populations and may damage crops and reduce agricultural and forest productivity.

Even very low levels of air pollution can have visibility effects and many individuals are vehemently opposed to degradation of esthetic values, particularly in the less developed areas in the West.

Unburned residues, either coal ash, sludge from desulfurization systems or particles trapped by other control systems, contain trace elements such as heavy metals and radionuclides.

These solid wastes are retained in land disposal systems. If toxic trace elements leach into drinking water supples or soils, they can become incorporated into living organisms, and, perhaps, concentrated in food chains, potentially causing a series of chronic toxic effects on human and other organisms

Although much is known about the relationship between coal and its health and environmental effects, important uncertainties remain. The primary objective of the Committee was to address these uncertainties and to determine whether the coal utilization goals of the National Energy Plan (NEP) are compatible with health and environmental goals established by the Congress.

FINDINGS

The National Energy Plan (NEP) proposed a significant increase in the use of coal, our most abundant fossil fuel, to reduce U.S. reliance on foreign oil. Total U.S. coal consumption in 1976 was 665 million tons. Under NEP, coal consumption would reach 1,265 million tons by 1985; even without the plan, coal consumption is expected to increase to 1,066 million tons by 1985—according to a "business-as-usual" (BAU) energy scenario (see Chart 1 on following page). In view of the potential for adverse effects, the Administration indicated its support for strong environmental and safety policies concerning ambient air quality standards, continuous emission control technology, non-degradation, reclamation, and coal mine health and safety to mitigate adverse effects associated with this increase in coal production and utilization.

CHART I.—*Coal consumption forecasts*

[Millions of tons]

	Utility	Industrial	Metallurgical	Export	Other	Totals
1976 base case	4444	65	85	65	6	665
1985 estimates:						
BAU	763	101	105	90	7	1,066
NEP	779	278	105	90	13	1,265
House/Senate Conference.	779	198	105	90	13	1,185
National Coal Association.	820–850	130–160	80–110	80–110	7	1,117–1,237
American Gas Association.	680–705	[1]170–375		([2])	([2])	850–1,080

[1] Combines Industrial and Metallurgical consumption.
[2] No estimates.

Sources: BAU and NEP case are from official DOE estimates. House/Senate Conference case is an informal guesstimate by DOE staff (December 1977). NCA case is most current staff estimate supplied to the committee. AGA case is based on very restrictive interpretations of Clean Air Act Amendments (Pub. L. 95-95).

Even with the best mitigation policies, there will be some adverse health and environmental effects from the dramatic increase in coal use, which will not affect all regions and individuals uniformly. Singly and collectively, these effects should not be of sufficient magnitude by 1985 to require modification of the NEP if the following policies are adhered to rigorously:

1. Compliance with Federal and State air, water, and solid waste regulations;

2. Universal adoption and successful operation of best available control technology on new facilities;

3. Compliance with reclamation standards;

4. Compliance with mine health and safety standards;

5. Judicious siting of coal-fired facilities.

Given the inherent uncertainties in environmental forecasting, it is very difficult to discern significant differences in environmental or public health effects between BAU and NEP coal consumption levels. The minimization of adverse health or environmental effects from the 1985 coal production and use levels in either the NEP or BAU scenarios requires that the following be recognized:

First, while increased health and environmental problems resulting from either the BAU or NEP probably will be modest and localized, this conclusion is sensitive to all of the five policies listed above. Industry, government, and the public need to realize that a part of the price tag on NEP, or any other plan resulting in increased burning of coal, is the cost of a pollution control program administered to achieve congressionally mandated environmental goals.

Second, most of the incremental consumption of coal under NEP would be by nonutility industries. Unlike large power plants, most of these smaller facilities are likely to be located near high density population areas, and emissions from these smaller industrial plants are more difficult to control. DoE and EPA should pay attention to the siting and control of these sources.

In addition, there are a number of uncertainties that impair the confidence with which we assess potential adverse health and environmental effects. The Committee identified six issues which urgently need resolution if we are to minimize undesirable consequences of increased coal utilization now, and in the future. These are as follow:

Two Critical Health Issues:

Air pollution health effects. Current standards may not provide adequate health protection from all coal combustion products. The evidence that some acidic particles have greater impact on public health than other particles increases our need to resolve the critical problems related to the transport, transformation and health effects of the gas-aerosol complex.

Coal mine worker health and safety. Strict enforcement of the Federal Coal Mine Safety and Health Act of 1977 should further reduce the risk to workers in the coal industry. Even with strict enforcement, in order to be certain that present standards provide adequate protection, effective health monitoring and assessment will be necessary. Continued improvement in miners safety will require increased education, especially for new miners. New developments, such as use of Diesel powered underground equipment, require further study of potential deleterious health effects.

Two Critical Environmental Issues:

Global effects of carbon dioxide in the atmosphere. Combustion of fossil fuels, and especially coal, is increasing global atmospheric CO_2. This could induce climatic changes with potential for generating global socio-political disruption after 2025. It is urgent that we continue a strong research program to provide a sound basis for action no later than 1985. Because this problem is global in character, the U.S. should initiate a continuing international dialogue immediately.

Acid fallout. Emission of SO_x, particularly from coal, and NO_x from all fossil fuel combustion have increased the acidity of precipitation in northeastern U.S. This has decreased fish populations in many lakes, and may already be reducing forest and agricultural productivity. Since both BAU and NEP are projected to increase emissions of SO_x and NO_x, a major study is needed to verify causal relationships and project future effects.

Two Additional Important Issues:

Trace elements. Increased use of coal results in wastes that contain trace elements, many of which are toxic. These elements can leach and migrate into water or enter food chains in quantities which could impact public health and environmental quality. More data are needed to assess the extent to which these elements enter into the biosphere.

Reclamation of arid lands. Enforcement of the Surface Control and Reclamation Act

of 1977 will mitigate many adverse environmental effects of surface mining. However, it is not certain that some arid areas can be restored, even following full compliance. Prudence dictates that surface mining be deferred in these arid areas when information about their reclaimability is incomplete.

An important element of the Committee's review involved environmental forecasting, a task which should be done systematically on a recurring basis. However, the Committee members unanimously expressed reservations about the tools available for effective forecasting. Data on future coal consumption, on emission inventories, and on current and future ambient air quality are often incomplete, discontinuous, conflicting, or unavailable for specific pollutants and for specific locations. Methods for converting emissions into concentrations of substances in air and water (modeling) are controversial and sensitive to their initial assumptions. Monitoring systems, which could generate data and verify modeling forecasts, are inadequate as to number, location uniformity and reliability. Often, these systems measure the wrong pollutants at the wrong time. Current public and private expenditures for air pollution control alone are estimated to exceed $13 billion per year. The new requirements for BACT and for nondegradation will add to these already substantial sums.

Committee Recommendation.

An imnproved data collection, modeling, and monitoring program appears to be a very cost-effective Federal investment. Such a program, with input on health and environmental effects, would result in more precise answers and yield better public policy decisions. The Committee is convinced that an improved national monitoring system is a prerequisite for making good public policy choices, reducing levels of controversy and providing a basis for a cost-effective evaluation of the standards enforced.

The Committee has traced known or anticipated health environmental effects of increased coal utilization through the entire coal fuel cycle (see Figure 1), from mining to the effluents of combustion and their disposition, and the disposition of the spent mine itself. We have dealt with conventional coal combustion and looked at the effects anticipated through 1985. We have, however, considered certain important longer term problems. Separate studies are underway on other important issues, such as water availability, coal transportation and socio-economic impacts of energy development. The eleven papers prepared by authors from EPA, DOE, NIOSH, NIEHS, and several universities provide additonal background information and are in a separate appendix which is available upon request. Brief issue summaries of each of these papers prepared by the Committee are included as a part of this report. The most critical problems are summarized below in five major categories:

Hazards of Mining Coal.
Problems of Disposition of Mined Land.
Combustion Effluents and their Disposal.
Human Health Effects of Effluents.
Environmental Effects of Effluents.

HAZARDS OF MINING COAL

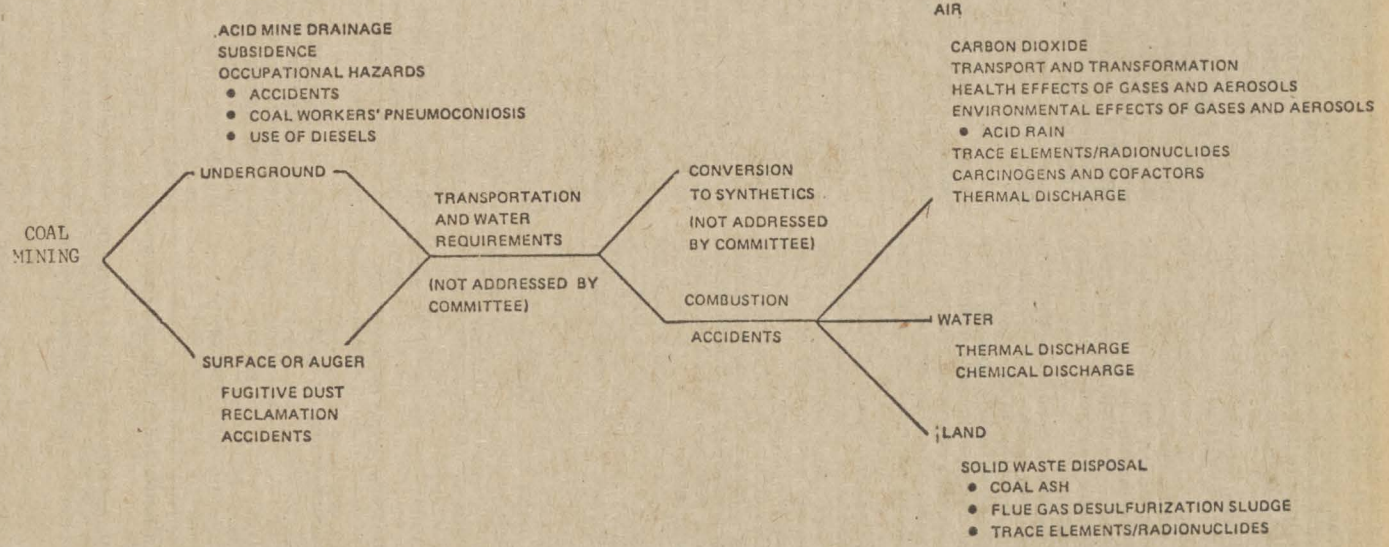
Underground mining is associated with chronic disabling lung diseases, particularly coal worker's pneumoconiosis (black lung). The incidence and severity of these diseases are related to the concentration of coal dust. Recent legislation, in 1969 and 1977, properly enforced, has and will significantly reduce this hazard. Until more experience is gained with workers exposed to the new lower dust levels, the extent of the reduction in disease will not be known. More comprehensive surveillance techniques using indices of lung function must be developed, and studies must continue to monitor the effectiveness of these new standards in protecting human health. Underground coal mining accidents continue to be a serious problem. Control technology and worker training (particularly of new workers) must be emphasized to minimize these problems. The introduction of underground Diesel engines is claimed to increase worker productivity, but may create new health problems. Research must proceed to identify the extent of any problems associated with Diesel exhaust. Surface or strip mining is less hazardous for miners—the primary problem being accidents. Training, particularly of new workers, in safety procedures is important.

PROBLEMS OF DISPOSITION OF MINED LAND

Coal mining, whether underground, surface or augur, has the potential to disrupt natural terrestrial systems both during and after mining operations. Problems, arising from abandoned mines, are primarily environmental. Both surface and underground mines often are a source of acid that drains into surrounding watersheds. Technology is inadequate to control this problem and we can look forward to increased acid loadings, particularly from underground mines, as their useful life is exhausted. Subsidence of the ground above mines can be avoided by leaving larger amounts of coal underground. However, coordinated planning of surface and sub-surface activities is probably the most efficient control mechanism. Siting of mines and controlling industrial and residential growth above mines will mitigate the effects of future subsidence.

The recently passed Surface Control and Reclamation Act of 1977 requires that surface mined areas be restored. The requirements and costs of restoration will preclude mining at some locations, particularly on steep slopes where erosion problems would be severe. However, reclamation of most surface mines is feasible and relatively inexpensive in those areas with reasonable annual rainfall. Problems are more acute in

Figure 1. The Coal-Fuel Cycle.



particularly arid regions, and we do not yet know whether arid region rangeland can be restored. Consequently, surface mining should be avoided in areas with limited rainfall until we have better empirical evidence of reclamation feasibility.

COMBUSTION EFFLUENTS AND THEIR DISPOSITION

The effluents of coal combustion appear to pose the most significant problems, both with respect to human health and to the environment. Combustion of all fossil fuels produces emissions of carbon dioxide (CO_2). However, for identical energy outputs, coal generates 1.8 times as much CO_2 as does natural gas and 1.2 as much as fuel oil. Very large increases in atmospheric concentrations of CO_2 could produce significant climatic changes primarily through the "greenhouse" effect. The CO_2 increase resulting from the NEP coal scenario by 1985 is of minor consequence, but may pose serious future problems. Furthermore, if the rate of fossil fuel, and of coal in particular, consumption were to continue increasing, both in the U.S. and elsewhere, then the amounts of CO_2 could have severe impacts by the year 2025. By 1985, the nation must have better information concerning future rates of fossil fuel use, the rates and movement of CO_2 from all man-made sources to their ultimate sinks or reservoirs, the factors which drive global climate, and the impact of climatic changes on agricultural and other socio-biological systems. Certain projections indicate that after 1985 the relative contribution of U.S. CO_2 production will be proportionally lower on a global scale. Thus international cooperation is vital to resolving this potential problem.

The other major effluents of coal combustion are 1) SO_x, formed by the oxidation of sulfur in the coal, 2) NO_x, formed by the oxidation of both the nitrogen in the coal, and, at high temperature, from nitrogen in the air and 3) particles which are the result of unburned materials, as well as the resolidification of materials volatilized during burning. Some trace elements, such as mercury, may be volatilized and discharged as gaseous effluents; others remain as particles.

Flue gas desulfurization (FGD) and particulate control equipment attempt to capture certain toxic gaseous elements, particularly sulfur, and particles, before their dissemination into the atmosphere and deposition locally or regionally. The BACT policy requires installation of continuous FGD systems on all coal-fired plants above 25 megawatts in an effort to reduce SO_2 emissions below current requirements for new sources. The resulting retained solid wastes can then be disposed of in a more controlled and less hazardous manner than nationwide atmospheric dispersal.

Gaseous effluents, SO_2 and NO_x, and particles can interact chemically in the atmosphere to yield new chemicals that are more toxic. SO_2 is converted to the more acidic, more toxic sulfate ion; NO_x to nitrate ion. This can occur up to hundreds of miles away from the coal burning plant. Particles, ultraviolet light from the sun, humidity and natural or man-made hydrocarbons can influence the nature and speed of these reactions. Sulfate ions, and possibly nitrate ions, play major roles in the lung irritation that results in those pulmonary diseases associated with or aggravated by air pollution, e.g., acute and chronic respiratory disease including asthma. In addition, these pollutants may, in association with polycyclic organic material (POM), such as benzo(a)pyrene, contribute to lung cancer.

Sulfate and ntirate ions are the predominant cause of the acid fallout that has lowered the pH (increased the acidity) of lakes and soils, and lowered productivity in many areas impacted by emissions from fossil fired plants.

Benzo(a)pyrene and similar POM can be produced by coal burning. In the past, often as a result of incomplete combustion, these carcinogenic agents were an important effluent, particularly of coal burned in home furnaces or other small boilers. Modern coal burning utility plants are highly efficient and little POM is discharged. Smaller industrial plants may, however, be less efficient and the emissions of POM may increase. Unlike large central station power plants, most smaller coal-fired industrial facilities would be located in or near high density population areas. These facilities would have lower stacks than utilities and there would be many separate point sources to maintain, monitor and evaluate. The percentage of emission reductions required by small scale facilities has often been less than for large facilities. There are reasons to believe that these smaller facilities are less likely to attain consistently emissions reduction goals. It is crucial that both DoE and EPA proceed cautiously with the industrial coal use program.

There is inadequate understanding of the atmospheric chemistry that explains 1) how acid sulfates and nitrates are formed, 2) which are the most toxic sulfates and nitrates, and 3) the extent to which photochemical oxidants—a major cause of eye and lung irritation, as well as damage to vegetation, from air pollution—may be formed in the plumes of coal-fired plants. Further, meteorological models that can trace toxic effluents as they are moved by air currents across regions or the entire country, or which can predict what happens when effluents are concentrated in local areas as a result of air stagnation, are inadequate.

Therefore, it is impossible to predict with comfortable precision ambient air levels of toxic compounds even when the locations of the sources and the quantities of emissions are known. This has introduced an unsatisfactory degree of uncertainty to all such estimations.

The solid waste effluents consist of coal ash collected by various control techniques and sludge from flue gas desulfurization. Although large quantities of these effluents will be produced, they should not pose major disposal problems solely because of their volume, if proper planning has occurred. Toxic and potentially toxic trace elements, many of which had previously been widely dispersed and sealed in underground coal deposits far removed from contact with the biosphere are concentrated in these effluents.

Sulfur and its by-products—as a solid waste—are not particularly toxic. Certain other elements, including heavy metals, radioactive thorium and uranium in coal ash and sludge, can, however, cause deleterious human health and environmental effects. Preliminary evidence indicates that radioactive material in coal is primarily trapped in solid wastes. However, further study is needed to determine the quantities of radioactivity emitted to the atmosphere as a result of coal combustion. Problems could arise if trace elements leach from disposal sites and contaminate water supplies and aquatic and terrestrial organisms. Generally, disposal sites are designed to prevent such leaching. There is, however, little experience with disposal on such a large scale, and little evidence to indicate the leaching and migration rates of toxic trace elements.

Finally, the cooling systems of coal-fired plants can discharge large quantities of hot water, this thermal pollution can pose local problems, but it does not appear to be important on a regional or national scale.

HUMAN HEALTH EFFECTS OF EFFLUENTS

The Committee provisionally accepts the current EPA standards for the so-called criteria pollutants, with the full understanding that information and insights developed in the future may engender changes in these standards. TSP and SO_2 have been, and are today, used as one index of the severity of air pollution from stationary sources. No separate standards exist for the fine respirable portion of TSP or for sulfates originating from SO_2. Yet, it is widely accepted that TSP, and SO_2, are much less toxic than sulfates that are formed as these pollutants mix in the atmosphere. Even less is known about NO_x and nitrates.

The primary health problems of these air pollutants relate to the lung. It is not anticipated that air pollutants will increase to levels that will cause the striking increase in acute mortality, seen in Donora in 1948 or London in 1952, rather, we can anticipate an increase in the number of asthuma attacks in susceptible individuals, increased incidence or exacerbation of acute and chronic respiratory disorders.

The Annual Environmental Analysis Report of DOE projected very small differences between BAU and NEP by 1985 for total national emissions of TSP, SO_2 and NO_x. For the year 2000, total emissions for all pollutants would be lower using the NEP rather than the BAU scenario. However, SO_2 and NO_x emission levels using either the NEP or BAU scenarios would exceed 1975 emission in 1985 and in 2000.

NATIONAL ANNUAL POLLUTION PROJECTIONS

Annual Environmental Analysis Report—DOE, June, 1977.

[Emissions in millions of tons]

	1975	1985		2000	
	Base case	BAU	NEP	BAU	NEP
TSP	15.5	9.4	9.5	14.0	12.5
SO_2	26.4	28.9	28.5	33.7	29.3
NO_x	17.4	22.1	21.8	29.1	28.0

These are, however, national averages and we must look to local or regional areas to estimate with greater confidence human health effects. For example, in Federal Region VI, the Southwest, significant increases in SO_2 emissions would result as coal replaces natural gas and fuel oil used by utilities and industry. In Federal Region V, the Midwest, SO_2 emissions would remain almost constant at today's high levels.

Many areas now enjoy very good quality air, with respect to the criteria air pollutants. NEP (or BAU) induced deterioration in air quality, even if it does not exceed current standards, may affect susceptible individuals, such as the elderly and those with existing pulmonary diseases, under these circumstances. In other areas with poorer quality air, where pollutant levels already

are at or near standards, increased use of coal may have to be constrained. Forecasts received by the Committee indicated that many adverse health effects could be avoided by careful siting of new coal-fired facilities. However, if the standards are significantly violated, there inevitably will be deleterious public health impacts. The Committee is also concerned about those other pollutants, not covered by EPA criteria standards, such as sulfates, POM, etc., for which emission forecasts are not available. We need more information.

These considerations emphasize the need for strict compliance with Federal and State anti-pollution regulations, adoption and successful operation of BACT and judicious siting of coal-fired facilities. While there has been great progress since passage of the Clean Air Act of 1970, the number of areas remaining in violation is disappointingly large. As more coal is used, especially as a sustitute for cleaner natural gas, extensive use of BACT becomes more critical. As an example, BACT will require flue gas desulfurization systems on all coal-fired power plants. These systems are designed to remove 90% of the sulfur 90% of the time, resulting in 81% average removal of all sulfur. If either removal efficiency or reliability should drop to 50% then only 45% of the sulfur would be captured. The key point is that environmental protection requires successful operation and maintenance of controls once they are installed. Every single failure of pollution control equipment, or failure to follow control procedures, would produce an increment of pollution and the cumulative effect could pose severe risks.

A second health issue concerns evidence that air pollution has in the past been implicated as the cause of an increased incidence of lung cancer in polluted urban areas, although clearly cigarette smoke is the predominant cause. Since the concentrations of benzo(a)pyrene and other POM in urban air have been decreasing significantly, and there will only be small increases in other pollutants, NEP should not exacerbate this problem. Monitoring for POM, particularly around smaller, less efficient industrial plants, is important.

A third health problem may develop if toxic trace elements, including radioactive compounds, leach from the disposal sites of coal ash and flue gas desulfurization sludge. Because of the lack of experience and uncertainties involved, it is difficult to estimate the extent of leaching and the associated risks. If this ultimately does become a problem, it will develop slowly. Careful monitoring of aquatic systems and vegetation near such sites will allow for the early detection of the problem in time to develop and institute measures to prevent leaching and the development of serious contamination.

ENVIRONMENTAL EFFECTS OF EFFLUENTS

Concentrations of sulfur oxides sufficient to cause extensive damage to plants are likely to occur only in the immediate vicinity of coal-fired facilities. The generation of increased acid fallout will probably be the most serious environmental effect of an increase in the use of coal. Even at current levels the pH of precipitation has been lowered over large areas of North America and this area is steadily expanding. Though these adverse effects will be less if the best available control technology is employed, increases in SO_x and NO_x will occur under both BAU and NEP scenarios. If so, agricultural and forest production may decrease in large regions of the country and fish populations will disappear or be seriously reduced in certain lakes. The total energy losses to society cannot as yet be estimated accurately, but they may be large enough to significantly reduce the net energetic gain from coal burning. Damage to materials and losses of visibility due to increased coal consumption should impose further economic and esthetic costs in direct proportion to the increment in emissions. Visibility loss occurs at relatively low pollution levels and will be particularly troublesome in the West.

COMMITTEE PROCEDURE

The NEP recognized that some uncertainty will continue over the health and environmental impacts of increased coal utilization. This Committee was appointed to address these uncertainties, and report its findings to the President before the end of 1977. The Committee was not requested to and did not contrast coal with nuclear, solar or any other energy system, and we make no recommendations relating to preferences for any system. The National Academy of Sciences, through its Committee on Nuclear and Alternative Energy Systems, has underway a study which will address comparative fuel technologies. Because of time constraints and because other studies are already underway, several areas of possible investigation were eliminated. Transportation impacts associated with coal are being studied by the Department of Transportation. Water availability for energy development is being assessed by the Department of Interior. A task-force chaired by OMB is considering the socio-economic impacts of increased coal development. An interagency committee is reviewing the health and environmental effects of advanced technologies for conversion of coal to synthetic liquid or gaseous fuels.

In view of the limited time available, the Committee focused attention on impacts in the 1985 time frame, yet whenever practical, looked beyond to the year 2000. The Committee has made some recommendations concerning environmental research, but time limitations have precluded any review of existing programs. The Administration should immediately initiate such a review.

The full Committee met for seven working days in November and December. All meetings were announced in the Federal Register and were open to the public. Observers from DOE, EPA, NIOSH, OMB and CEQ attended every session. The Committee commissioned preparation of eleven papers on the following subjects:

Carbon Dioxide Effects of Increased Coal Utilization.

Transport and Transformation of Gases and Aerosols.

Health Impacts of Gases and Aerosols.

Environmental Effects of Gases and Aerosols.

Trace Elements and Radionuclides.

Occupational Hazards of Increased Coal Utilization.

Carcinogens and Cofactors.

Acid Mine Drainage and Subsidence.

Reclamation.

Solid Wastes from Coal Combustion.

Thermal Consequences of Increased Coal Utilization.

The Committee held a two-day public hearing (November 21 and 22) during which the authors summarized their papers, and the public and Committee members discussed both the subject papers and other issues related to the production and use of coal. The public was invited to present their views directly to the Committee on any relevant matter, either orally and/or in written form. In addition, the Committee invited knowledgeable individuals from the government and the private sector to meet and discuss emission data, pollution control technology, health damage functional relationships and additional complexities not covered in the papers.

Individual Committee members were assigned lead responsibility for each of eleven subject areas covered by the assigned papers. Each member prepared an issue synopsis based on the assigned paper, and led the full Committee in a discussion of the subject. These issue summaries are attached to this report. In evaluating and comparing discrete issues, the Committee assessed the relative severity of the hazard, i.e., the potential adverse health or environmental effect; the probability of its occurrence; the degree of certainty we currently have regarding that probability; the time frame in which the hazard was expected to occur; and the spatial impact of the hazard (i.e., whether the effects were local, regional, national or global in scope). Our ability to mitigate the hazard or its relative irreversibility was also taken into consideration.

RECOMMENDATIONS

Establish an improved national environmental data collection and monitoring system.

Require rigorous adherence to the following policies:

1. Strict compliance with Federal and State air, water and solid waste regulation.
2. Universal adoption and successful operation of best available control technology.
3. Compliance with reclamation standards.
4. Compliance with mine health and safety standards.
5. Judicious siting of coal-fired facilities.

Expand research programs necessary to resolve uncertainties regarding the transport, transformation and health effects of the gas-aerosol complex (fine particles, sulfates, nitrates and organics).

Develop a health monitoring and assessment program to evaluate effectiveness of underground coal mining standards.

Monitor training and safety programs for new coal workers.

Support a continuing comprehensive research program on atmospheric effects of CO_2.

Initiate an international forum for addressing global CO_2 problems on a continuous basis.

Initiate a major study to verify causal relationships between SO_x/NO_x emissions, acid fallout, and decreased biomass productivity.

Establish a system to assess the extent and rate with which toxic trace elements migrate from waste depositories into the biosphere.

Conduct small scale demonstrations to determine the feasibility of reclamation of arid areas.

PARTIAL LIST OF THE OTHER DOCUMENTS REVIEWED BY THE COMMITTEE

"Air Pollution and Cancer: Risk Assessment Methodology and Epidemiological Evidence." Report from an International Symposium at the Karolinska Institute, Stockholm, March 8–11, 1977.

"An Analysis of the Constraints on Converting Large Industrial and Utility Boilers from Natural Gas to Coal," American Gas Association, November 23, 1977.

"Annual Environmental Analysis Report," DOE (ERDA), September 1977.

"Environmental Control Aspects of Increased Coal Utilization," DOE, November 1977.

Hamilton, L. D. "U.S. Electricity Through The Year 2000: Coal or Nuclear? Alternative Sources and health." Brookhaven National Laboratory, March 1977.

Jones, K. E. "Urban Air Quality Impacts of the National Energy Plan; An Assessment of Six Cities." CEQ, December 1977.

Pechan, E. H. "Regional Air Emission Analysis of Alternative Energy Policies in 1985." DOE, October 1977.

"Potential Siting Problems for Increased Coal Use—A County-by-County Analysis of the Administration's Coal Substitution Program Considering Projected Air Quality for the Year 1985," EPA, September 30, 1977.

"Steam Electric Plant Factors." National Coal Association, 1977.

COMMITTEE MEMBERS

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SUMMARY OF ISSUES: THE CO_2 PROBLEM

The concentration of atmospheric CO_2 has been reported to have steadily increased from about 295 ppm by volume in 1860 (prior to the industrial era) to the current value of 331 ppm. It is projected that the concentration of CO_2 in the atmosphere could reach two to three times its present value within the next 100 years. Estimates of the anticipated effects of this increase range from possibly acceptable to catastrophic. Of primary concern is the warming ("greenhouse") effect which could be produced near the ground. Man-produced particulates in the atmosphere are not likely to have as great an effect on climate as the increased CO_2 and could result in either warming or cooling. The Energy panel of the November 1976 meeting on "Living with Climatic Change" (MITRE Corporation, 1977) reached a concensus that particulates as well as waste heat probably constitute a risk of a lower order of magnitude than the risks related directly or indirectly to CO_2. Although the exact amount of warming produced by a given CO_2 concentration increase is still uncertain, it is the change in the global circulation pattern associated with the warming which is of greatest concern. The regular pattern of seasonal rainfall, as well as the earth's reflective power, can be altered substantially and affect a wide variety of biological and social activities.

The emission of CO_2 by the United States, and by the rest of the world, is strongly related to energy consumption for industrial, domestic, and transportation uses, and has been increasing rapidly. Moreover, there is strong evidence that the fossil carbon flux (from combustion of fossil fuels) is primarily responsible for the observed secular increase in atmospheric CO_2. This evidence is not contradicted by the growing recognition that nonfossil fires (wood fuels, forest burning) and shifts in biological oxidation have a share in the man-made inputs of CO_2 to the atmosphere. Furthermore, as more coal replaces natural gas and oil as fuel, more CO_2 will be produced and emitted to the atmosphere. For a given energy output (not taking into consideration end-use efficiency), about 1.8 times as much CO_2 is generated by the combustion of coal than by the combustion of natural gas, and about 1.2 times as much as when fuel oil is burned.

Increases in the atmospheric concentrations of CO_2 cause concern mainly because the commitment to much higher releases will be difficult or impossible to reverse, if recognition of the need for doing this is postponed until the observed atmospheric excess quantities become large: i.e., several hundred billion tons of additional carbon. The direct contribution from the U.S. based on additional coal use under NEP through 1985 is of minor consequence, but the global implications of such a policy can be profound. If such a policy continues into the next century, or if it serves as a model for the rest of the world, then the quantity of CO_2 could have serious consequences early in the next century. The following issues and uncertainties need to be resolved between now and 1985.

1. Rates of fuel are critical; a better understanding of the future energy requirements are both essential in determining and possibly controlling rates of fossil fuel use. Potential and actual use of wood burning (and other kinds of fires occurring in different ecosystems) need to be considered also.

2. The redistribution of CO_2 produced from fossil fuel combustion and from other anthropogenic sources among the several reservoirs in the carbon cycle must be known. We must better understand the roles of both the biosphere and the oceans in the carbon cycle.

3. Given the ability to predict the levels of CO_2 in the atmosphere at some future time, there is considerable uncertainty as to the effects on climate. We must develop a better understanding of the factors which drive global climate in general, and develop refined and reliable climate models sensitive to CO_2 variations, in particular.

4. There is little conception of how the world might manage a substantial climate change without drastic social dislocation. There is need to initiate studies of the ecological zones which might respond quite differently to given climatic shifts from the present pattern and to conduct analyses of possible global responses in the social-political and economical areas to such an eventuality.

To develop answers or plan definitive policies necessary for decisions before ther turn of the century will require an international commitment of considerable scale. Only with a major aggressive effort will results be forthcoming sufficiently credible to induce what changes might be required in our global use of fossil energy.

SUMMARY OF ISSUES: TRANSPORT AND TRANSFORMATION OF GASES AND AEROSOLS

Nature of the Problem

Increased use of coal can have effects on the local scale because of the fallout of aerosol particles or because of meteorological conditions causing plumes carrying the pollutants to reach ground near the source. Other meteorological conditions may result in the movement of the plumes aloft over longer distances. Depending on the time interval and atmospheric conditions, the pollutants originally emitted may be converted to other gases or aerosols with increased potential for adverse effects. Examples are the conversion of sulfur dioxide to sulfuric acid and other sulfates or the conversion of nitric oxide to nitrogen dioxide and to nitrates. The use of tall stacks should reduce local effects, but will contribute to effects on a regional scale because of long range transport and transformation of pollutants.

Finely divided sulfates are formed during combustion of sulfur-containing fuels. Atmospheric chemical reactions are even more important sources of finely divided sulfates. The finely divided sulfates can be transported for long distances because these particles are much less readily removed from the atmosphere than sulfur dioxide or nitrogen dioxide. Similar considerations probably apply also to nitrates. Sulfates and nitrates are of particular concern in health effects, acid precipitation and corrosion effects when present as acid sulfates and nitric acid. Finely divided sulfates in all chemical forms can contribute significantly to visibility degradation and turbidity. This latter effect is of particular concern in the western U.S. where large coal-fired sources can cause visibility to be reduced substantially. These effects are well established; some are important on the short (daily) and others on the long (over years) time scales.

Emissions

Estimates have been made of the effect of the NEP on the magnitude and locations of emissions from steam electric and industrial plants in the eastern U.S. The estimates are based on assumptions concerning the effi-

ciency of the best available control technology (BACT). If BACT is implemented, total emissions of particulate matter in 1985 will be reduced to about 60 percent of the 1975 value; emissions of sulfur oxides in 1985 will be about 10 percent greater than the 1975 value and emissions of nitrogen oxides about 25 percent greater than 1975. This represents an improvement over several realistic plans alternative to NEP. If BACT is not successfully implemented—and this is a real possibility—significantly greater emission levels may result than projected depending on the level of non-attainment. Thus a strong program of research and development in the control technology field and careful monitoring of the performance of newly installed devices are necessary to the successful implementation of NEP. In the control of particulate matter, there is a danger that emission standards can be met by controlling coarse particulates at the expense of the fine particulate component which contains many chemical species on public health concern. This problem requires further examination.

Effects on Environmental Quality

If NEP control technology estimates are accepted, source controls will keep the short range impacts of gaseous and aerosol pollution below the levels of ambient air quality standards. Likewise sulfate emissions from individual sources will not by themselves create an air quality problem. Problems of short range impacts can be avoided by judicious local controls that can be justified on the basis of ambient air quality standards.

Sulfates formed in the emissions from sources can be transported hundreds of kilometers. Sulfates originating from diverse sources as a result of long range transport and transformation can be superimposed on each other to create episodes of air pollution far from the sources. However, existing monitoring data are inadequate to provide a base line from which future changes in regional air quality resulting from long range transport and transformation can be evaluated.

Emissions from large coal-fired facilities present the risk of degrading visibility particularly in relatively clean areas in the west. However, the effects of the NEP on the western U.S. have not been analyzed.

Increased emissions of sulfates and nitrates could, depending upon as yet undetermined chemistry and meteorology of the atmosphere, increase the problem of acidity in rainfall in selected areas of the country.

The large increases in nitrogen oxide emissions projected under the energy development plans, including NEP, cause concern for further increases in ozone levels as a result of chemical reactions in rural areas. This problem requires further examination. Along with sulfate and nitrate formation, it calls for careful monitoring of air quality thoughout affected areas.

SUMMARY OF ISSUES: HEALTH IMPACT OF GASES AND AEROSOLS

The Committee in its evaluation of the possible health impact of gases and aerosols relating to increased coal utilization starts with several considerations. These are: (a) The gas/aerosol complex arising from the combustion of fossil fuels is clearly associated with acute and chronic respiratory disease and less clearly associated with lung cancer; (b) there is evidence that some of these effects may be occurring at or around current ambient levels; (c) there is no firm evidence of a threshold for effects. Accordingly prudence requires the presumption that increase in air pollution toward or above current ambient levels will be associated with health costs. It is, however, not possible to be firmly quantitative as to these costs. These considerations are discussed below in somewhat more detail.

1. It is imperative that the extent to which increased coal use will alter current ambient pollution levels be reliably predicted and carefully monitored. The information should be based on a realistic assumption of the implementation of control technology. These projections should consider industrial use of coal (including low stacks) and should consider the impact in different areas, particularly those with currently relatively high pollution levels.

2. (a) At this time, levels of criteria pollutants (SO_2, TSP, NO_2) are at or somewhat below air quality standards in various areas of the country.

(b) Increases in pollutant levels to the air quality standard in areas which presently have somewhat cleaner air would risk health impairments to more sensitive members of those populations. Any increase in pollutant levels above the standard are likely to cause adverse health effects to a larger population and should be viewed with grave concern.

3. Long term exposure to coal combustion products associated with SO_2 and TSP concentrations approaching the present standards is a causal factor in chronic respiratory diseases. Cigarette smoking, an overwhelming cause of these disorders, appears to exacerbate these effects. Short-term peaking of pollutants may pose greater health problems than uniform concentrations.

4. (a) A major impact of coal combustion products is on the local area surrounding the local point sources. Long range atmospheric processes are important on a regional basis and have health significance.

(b) The siting of coal use is a major factor in the extent to which coal combustion products will produce adverse health effects. Two major considerations are the number of individuals at risk and the baseline levels of pollution.

5. The measurements of both SO_2 and TSP are indirect means of representing the total effects of the gas/aerosol complex. NO_2 may also be an indirect measure of health effect. Sulfur dioxide is clearly a precursor of toxic compounds, but also acts in conjunction with other agents (e.g., respirable particulates, ozone) to produce effects. The process by which sulfur dioxide is converted to other toxic compounds (e.g., sulfates) are complex and varied. It is unlikely that control of the atmospheric oxidation process is feasible. Rather, prevention of toxicity due to sulfur oxides should be based on control of sulfur emissions. The toxicity of TSP is essentially due to the respirable fraction. One implication is that control measures which remove only the larger nonrespirable particulates may cosmetically lower the level of TSP without having any impact on health effects. In fact, it is conceivable that reliance on such control measures (e.g., electostatic precipitation) could lead to an unrecognized increase in respirable particulates and hence more of an adverse effect. Respirable particulates (e.g. sulfates, nitrates) are also formed from gases in the atmosphere after leaving the stack and are not directly controlled by particulate emission technology.

Relatively less is known about the conversion of NO_2 to atmospheric products (e.g., nitrates) and the potential toxicity of these derivatives.

In summary, it is the conclusion of the Committee that elevation of gases and aerosols near or above current ambient levels may be associated with increased respiratory disease, acute and chronic, including lung cancer.

Thus, on these assumptions, the relative impact of increased utilization of coal should be regarded as proportional to the extent of any changes in the pollution levels and the population base exposed. Estimates of change in exposure levels and in the population at risk should be approximately derivable from realistic projections of emmission levels.

Finally, it will be extremely important in connection with this major national effort to answer two urgent questions: (1) Identification of the chemical species in the acid particulate complex chiefly responsible for the health effects, and (2) quantification of the actual health impacts of defined ambient levels of air pollution.

SUMMARY OF ISSUES: ECOLOGICAL EFFECTS OF GASEOUS EMISSIONS FROM COAL COMBUSTION

Though sulfur oxides are toxic to animals, effects have not been produced experimentally at concentrations other than those occurring very close to coal-fired facilities. Direct foliar injury to plants, however, occurs at much lower concentrations and significant reductions in rate of photosynthesis by crops and forest plants may accompany increased emissions. But the dosage of relations of these effects are as yet very poorly known. Annual plants are, of course, affected only by emissions during the year of their growth, but recovery even of long-lived perennials is likely to take place within a few years if the insult is terminated. Microorganisms may be very susceptible to sulfur oxides, but we are largely ignorant of these relationships.

Nitrogen oxides are not known to be directly toxic to animals at concentrations likely to occur even close to coal burning facilities and vegetation is less susceptible to nitrogen oxides than to sulfur oxides. The major effects of nitrogen oxides are indirect ones resulting from the production of atmospheric oxidants and acid precipitation. Their effects on microorganisms are unknown.

The fine particles emitted by coal-fired power plants can remain airborne for long periods and the vast majority are not deposited within 20 kilometers of the plants. Particles containing heavy metals and polycyclic organic compounds have adverse effects on terrestrial and aquatic organisms, but the magnitude of these effects cannot be estimated accurately because of a very inadequate data base.

Photochemical oxidants, particularly ozone and peroxyacyl nitrates (PANs) are the most damaging air pollutants affecting agriculture and forestry. Already they are causing millions of dollars of damage to crops and forests in the United States. Most of current damage is due to mobile sources, but increases in gaseous emissions from coal-fired facilities are likely to add to this effect. Photochemical oxidants are not known to directly affect animals, but they do predispose plants to attacks by herbivores whose outbreaks may kill plants over wide areas.

As a result of increased concentrations of sulfure and nitrogen containing compounds,

most of which derives from combustion of fossil fuels, the pH of rain and snow falling on much of eastern U.S. has been lowered to between 3 and 5 and the area affected is steadily expanding. The resultant acidification of lakes, particularly those occurring in areas of carbonate-poor granitic rocks is having major detrimental effects on the fauna of those lakes. Results have been most striking in Scandinavia where thousands of lakes have lost their fish populations, but similar effects are now occurring in eastern Canada and northeastern United States. In addition, algal communities of acidified lakes contain fewer species, the growth of rooted plants is reduced, fewer invertebrates are present in the water column and in sediments, and the rate of decomposition of organic matter is reduced. Fungi become more important relative to bacteria and the development of submerged mats of fungi and mosses reduce nutrient cycling from the sediments and, as a consequence, also reduce overall productivity.

Rates of forest growth have also declined in southern Scandinavia and northeastern United States, but this cannot as yet be unequivocally related to acid precipitation. However, it is known that acid precipitation does damage foliage, affects germination of conifer seeds and establishment of seedlings, reduces availability of soil nitrogen, decreased soil respiration and increases leaching of nutrient ions. These effects are likely to increase in importance and may cause changes in ecosystems from which they will recover only slowly, if at all.

Living organisms do not encounter pollutants singly, but rather in complex mixtures. Unfortunately, because most laboratory studies are focused on the effects of single pollutants, existing knowledge of the effects of complex emissions is very scant. However, there is evidence that pollutants released by coal burning make plants more susceptible to insect attacks, perhaps by changing their defensive chemistry. Evidence suggests that herbaceous vegetation is more vulnerable than woody vegetation and that reproductively active plants are more susceptible than non-reproductive ones.

Reliable estimates of the incremental economic impacts on materials resulting from increased emissions of gaseous pollutants are not yet possible, but a 10 percent overall increase in levels of urban air pollution would probably increase economic material loss by 20-30 percent and 25 percent increase would probably more than double these losses.

Emissions from coal burning plants affect visibility at concentrations lower than those required to cause direct and indirect toxic effects on living organisms. In many parts of the West where scenery is especially beautiful and highly valued, reduced visibility is likely to be a serious consequence of increased burning of coal.

Concise Summary of Most Important Issues

Concentrations of sulfur oxides sufficient to cause extensive direct foliar damage to plants are likely to occur in the immediate vicinity of coal-fired facilities, but indirect effects of emissions from these facilities, through their influence on generation of acid precipitation, are likely to be the most serious ecological effects of an increase in the use of coal. Even at current levels of emissions the pH of precipitation has been lowered over large areas of North America and the area affected is steadily expanding. Though these adverse effects will be less if the best available control technology is employed, increases in SO_x and NO_x will occur under both BAU and NEP scenarios. If so, agricultural and forest production will decrease in large regions of the country and fish populations will decrease in large regions of the country and fish populations will disappear or be seriously reduced in lakes in regions with granitic rocks. The total energy losses to society cannot as yet be estimated accurately, but they may be large enough to significantly reduce the net energetic gain from coal burning. Significantly, these losses occur in the most important renewable supply we have, the capture of solar energy though photosynthesis.

Damage to materials and losses of visibility due to increased coal consumption will impose further economic and esthetic costs in direct proportion to the increment in emissions. In addition, there may be important non-linear effects on ecosystems processes involving especially microorganisms and synergistic interactions, the paucity of knowledge prevents even crude estimates of their probable nature and magnitude. There is reason, however, for caution because what we don't know may well hurt us.

SUMMARY OF ISSUES: TRACE ELEMENTS AND RADIONUCLIDES

A. *Major Areas of Consensus.* 1. *Occurence in coal and potential for environmental contamination.* Trace elements and radionuclides potentially hazardous to human health and ecosystems are present in coal. The trace elements of concern are, among others, arsenic, cadminum, mercury, lead, fluorine, beryllium. Concentrations of these elements vary considerably among different coal types. Radionuclides in coal include uranium 235 and 238, thorium 232, and associated decay products; concentrations of radionuclides in coal are generally less variable, with values of 1 ppm for uranium and 2 ppm for thorium being reasonable national averages. Extraction and combustion of coal effectively introduces these toxic, or potentially toxic, elements into the biosphere in a more concentrated form than they would appear as a result of natural weathering.

Trace contaminants can enter the environment prior to coal combustion by runoff from coal mines and coal storage piles; during combustion, in atmospheric emissions of particles and volatile elements; and after combustion by runoff from slag, bottom ash, fly ash and scrubber sludge deposited in settling ponds and landfills.

2. *Biotransformation and accumulation of tract contaminants.* At nearly every point along physical transport pathways in aquatic and terrestrial environments, opportunities exist for interactions of trace elements with life forms. Organisms, especially microorganisms in aquatic environments, can absorb, concentrate and transform trace elements into more concentrated forms or into more toxic compounds. Biotransformation of trace elements is particularly important in determining effects on man and other organisms because the molecular form of these contaminants often determines their persistence, bioaccumulation and toxicity.

Trace elements may enter food chains and undergo bioaccumulation in passage through higher forms of life. Of particular concern in this regard are concentrations of mercury, cadmium and lead because current intake levels for these substances are near tolerable human health limits.

3. *Ecological effects of coal extraction, combustion, and waste disposal.* The acidic nature of mine drainage from eastern coal fields tends to hold metal ions in solution and promotes transport to surface and ground waters. Acid mine drainage from inactive mines in the eastern U.S. is the greatest single source of drainage and transport to aquatic environments, and is very difficult to control.

Western coal generally lacks acid-forming substances, although increased salinity of surface and ground waters in western coal regions could become a problem due to soluble salts in mine spoils. During overburden removal for strip mining, ground water aquifers are commonly intercepted; hazardous elements may enter these distrubed aquifers.

Concentrations of trace contaiminants in atmospheric emissions from coal-fired power plants do not appear to be a significant ecological hazard. Trace element contrations in soils fall rapidly with distance from power plants and tend to be at average levels at distances of 3 km from the plant. With installation of efficient precipitators, atmospheric emissions of trace elements should not be acutely harmful to vegetation and other biota, especially beyond a 3 km radius. Likewise, the potential for chronic toxicity to ecosystems is relatively low, except in local areas already enriched with a particular element. However, sublethal, chronic or synergistic effects of trace elements on ecosystems have received little attention.

About 92 percent of particulate materials produced in utility boilers is removed by electrostatic precipitators. Fly ash, bottom ash and scrubber sludge all contain trace elements. These are generally released to ground water at low concentrations, with attenuation occuring very close to the disposal site. Very little information is available on the chemical form, bioavailability and toxicity of these contaminants. By 1985, 60 million tons of fly ash with elevated levels of trace elements will be annually discharged into settling basins situated in close proximity to coal-fired power plants. Elements such as arsenic, cadmium, cobalt, nickel, lead, selenium, uranium and zinc all exhibit potential mobilization rates from these deposits that are larger than 10 percent of the natural weathering rates. These elements have a definitive potential for runoff to surface waters and leachate intrusion into ground water.

4. *Health effects of trace elements.* There is reasonable concurrence that some trace contaminants in coal may constitute health problems from either direct toxicity or risk of cancer. Among those most toxic to man are mercury, cadmium and lead; intake levels of these substances are already near tolerable health limits. Concentrations of trace contaminants in atmospheric emissions from coal-fired power plants do not add significantly to the total body stores of these substances, since their intake through food and water is largely relative to inhalation. However, some atmospheric trace elements are active in the catalysis of sulfur diozide to acid sulfates and, in this way, may contribute to the respiratory irritant effects of these other coal combustion products. Other trace elements in coal can combine with sulfate ions to form biologically reactive and harmful compounds in the atmosphere. Three elements—arsenic (III), chronium, (VI) and nickel—are accepted as having high carcinogenic importance to man. All three of these elements can appear in fly ash leachate, but their magniture is unknown.

There is little or no teratogenic potential from cadmium, selenium or mercury compounds at concentrations in coal emissions or fly ash leachate.

The potential for contamination of drinking water supplies by leachates from settling ponds and disposal sites is very real and needs to be evaluated. As previously noted, a large number of these disposal sites will be created, amounting to 60 million tons of wastes annually by 1985.

5. Health effects of radionuclides. Estimated annual release rates for radionuclides from a 1000 MWe coal-fired power plant amount to 0.04 to 0.35 mrem/yr whole body dose, as a maximal annual dose commitment to the most exposed individuals. To compare the magnitude of radiation from coal combustion emissions, it is useful to use average dose equivalent rates for natural background and coal emissions. The average coal combustion radiation rate is different under the NEP or BAU scenarios. On this basis, radiation from increased coal combustion does not represent a significant public health problem.

B. *Major Areas of Uncertainty.* 1. The chemical form of trace elements is very important as a determinant of transport through the environment and of toxic effects on health and eco-systems. Most studies of coal emissions and leachates focus on simple elemental analysis. Lack of knowledge of chemical species of trace elements precludes making a confident and adequate assessment of the potential health ecological effects of trace elements from coal utilization.

2. Potential contamination of drinking water supplies by several toxic elements in leachates from waste disposal presents a real public health problem. The chemical form of each element may be significantly altered by microorganisms in the physical transport process, and these chemical forms will determine the rate of environmental transport, the bioaccumulation and toxicity of these elements. Too little is known about these processes.

3. Given that several trace elements in leachate could potentially be mobilized at rates that are larger than 10 percent of natural weathering rates, do these elements effectively remain in settling basins or are they injected into waterways and into food chains? Unquestionably, the movement of trace elements from coal combustion disposal sites should be regarded as a potentially significant health problem and bears intensive monitoring in some sites.

4. While the ambient atmospheric loading of trace elements does not appear to be as great a potential problem as intrusion into waterways from leachates, they do constitute a health hazard insofar as they catalyze the atmospheric formation of sulfates and react with sulfates to form a pulmonary irritant. There is a need, therefore, to monitor atmospheric concentrations of trace elements at selected sites. Little data exist on trace element ambient concentrations, fallout and re-entrainment from disposal sites. Atmospheric and environment levels of cadmium, mercury, lead, arsenic (III), chromium (VI), and nickel should be particularly monitored at these selected sites.

SUMMARY OF ISSUES: OCCUPATIONAL HEALTH AND SAFETY IMPACT

Greatly increased production of coal in the United States will expose larger numbers of workers to the safety and health hazards of coal mining and processing. Such hazards have been very great in this country with many mine related accidental deaths and disabling injuries. Disability and death from chronic lung disease have also been excessive and recent evidence suggests other possible occupationally related diseases.

Legislation, enacted in 1969, aimed at reducing the dangers from accidents, and for the first time in this country, mandated environmental controls in the work place to reduce the risks of chronic lung disease. Although conditions in the mining industry have improved as a result of the implementation of these reforms, considerable doubt exists about the achievement of maximum compliance. Efforts to characterize the nature of coal miners' lung diseases have been incomplete and to date no adequate health monitoring program has been implemented.

Estimates of the potential health effects among an augmented mining work force are predicated not only on the above uncertainties, but also on the question of the surface/underground ratios and the potential impact of an anticipated expansion of long-wall mining methods and the use of Diesel powered underground mining equipment. Long-wall mining may subject miners to excessive dust levels and Diesel exhausts may present additional, as yet, incompletely understood hazards.

It is essential, even with no increase in the mining work force, to fully implement the provisions of the Coal Mine Health and Safety Act, including achievement of total compliance with dust and safety standards. The nature of lung disorders of coal miners must be more carefully defined. Tests to detect early impairment in respiratory function must be developed and pre-employment and meaningful periodic health examinations must be instituted. Investigations into potential future hazards must be continued or increased.

The risks to safety and health of workers in the coal mining industry must not be underestimated. The nations requirements for increased coal production must not be allowed to induce a relaxation of established health and safety standards for coal mining. Expanding the work force in the mining and processing of coal will require an increased effort to provide a safe and healthy work place for these vital workers.

SUMMARY OF ISSUES: CARCINOGENS AND COFACTORS

Assuming that best available control technology will be applied to the incremental use of coal in combustion processes, it is unlikely that there will be an increase in the present problem of environmental cancer. It is generally recognized that there is an air pollution factor resulting from fossil fuel combustion which, when added to cigarette smoking, explains the differential rates of lung cancer between urban and rural environments. However, the carcinogenic risk implied by these combustion products is relatively minor when compared to cigarette smoking.

There are a number of uncertainties regarding: the development of cancer including the interrelationships of polynuclear aromatics, co-carcinogens, promoters, and fine particulates; adequacy of standards for surrogate contaminants; and environmental indicators of carcinogenicity. Filling some of these gaps in our knowledge is obviously important to an environmental monitoring and control program. The following data gaps are of considerable significance in this regard:

1. Investigation of suspected roles of sulfur dioxide as a co-carcinogen and of fine particulates as vehicles for carrying carcinogens to target lung tissues.

2. Identification and measurement of the various carcinogens produced by coal combustion as well as characterization of operating processes and conditions producing them.

3. Development of other indicators of carcinogenicity besides BaP occurring in the emissions.

Although small amounts of radioactive substances are released by the combustion of fossil fuels, the dose received by the population from this source is so small in comparison with that received from natural background sources that the potential number of cases of lung cancer produced by it is negligible. However, western coal (especially low grade bituminous and lignite) contains 10 to 100 times more radionuclides than eastern coal and this potential problem will have to be closely monitored.

Three trace element contaminants occurring in emissions from coal combustion are of special concern in carcinogenesis. Arsenic (III) is volatized on combustion and condenses or absorbs on the fly ash on cooling. Chromium (VI) and nickel may be volatized and condensed or may form a melt that becomes both fly ash and slag. These three are generally accepted as having high carcinogenic importance to man. As with radionuclides this may not be a problem, but the movement and buildup of these elements certainly should be monitored.

Occupational cancer is not generally regarded as a problem in coal mining although an excess of stomach cancer has been reported in some groups of coal miners. However, environmental and ethnic factors may also be operative especially when the wives of miners develop the same cancer. Increased lung cancer associated with underground coal mining is not believed to be a problem with current coal mining methods. The influence of Diesel exhaust in regard to lung cancer is difficult to evaluate with present data. Diesel engine exhaust products contain chemicals which are known to be mutagenic and carcinogenic in some test systems. There is one U.S. mortality study of underground Diesel workers who have been employed for periods of time approaching the latency period for carcinogenicity and these are essentially negative. Should a lung cancer factor (from Diesel exhaust) be demonstrated it will probably play a minor role as compared to the influence of cigarette smoking.

Coking, coal gasification and coal liquifaction are acknowledged to be associated with significant occupational cancer problems and will require close attention, especially in the development of coal conversion processes. However, these problems are not considered to be within the purview of this Committee.

SUMMARY OF ISSUES: ACID MINE DRAINAGE AND SUBSIDENCE

I. *Acid Mine Drainage.* Acid mine drainage discharges occur from surface mines, mine waste, and underground mines. During active mining, the control of point discharges afforded under Pub. L. 92-500 and surface mines and mine waste under Pub. L. 95-87 should result in essentially no further discharges of acid to streams. In fact, as the enforcement of these acts becomes better,

acid discharges from current discharges should be eliminated. In addition, nonpoint source acid discharges from surface mines and mine waste should be controlled under the regulations provided under Pub. L. 95-87. Thus, only underground mine acid discharges that occur after the mine is closed will increase between 1977 and 1985 and beyond, because technology to control this problem is not available. By 1985, the level of acid discharges will be a result of the closing of mines currently active, and not new mines, since the lag time to open an underground mine and the mine life will place its closure after 1985. The full impact of the new mines will not be felt until their closure.

II. *Subsidence.* Health and environmental impacts from unforeseen subsidence into underground mines stem largely from (1) the disruption of man-made structures and (2) the effects on (a) surface and sub-surface waters from alteration of flow and increase in sediment and silt and (b) possibilities of increased slides and erosion. The magnitudes of these effects at present and the changes likely to occur with NEP are not known.

Three basic approaches to controlling these effects exist:

1. Control mining practices, which requires that a considerable (roughly 50 percent) of the coal be left in place to support the surface;

2. Hasten subsidence after mining so that surface effects are known before surface development occurs;

3. Plan and coordinated surface use with a knowledge of past, present and potential mining and the related probable surface effects.

Neither the Federal law nor state laws are presently designed to require or encourage the selection of any of these three options as a given situation requires. Estimates are that as a result, the incidence of health and environmental effects will grow, particularly as the Nation attempts to utilize the preponderance of reserves that are suited only to deep mining, given present technologies.

SUMMARY OF ISSUES: RECLAMATION

The problems centering about the extent of environmental disturbance due to coal mining both pre-NEP and NEP and consequently the extent of reclamation required will depend considerably upon recent legislation. These include the Clean Air Amendment of 1977, the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87) and NEP. The former and NEP (if enacted) are aimed at promoting underground mining, especially in the Eastern United States. Pub. L. 95-87 has resulted in the establishment of a new Office of Surface Mining in the Department of Interior. This office is responsible for establishing environmental performance standards and a federal regulatory program for controlling the surface effects of coal mining operations.

Due to the recent enactment of Pub. L. 95-87 it is difficult to perceive the extent of its effectiveness and its impact on future coal production. Currently it is alleged by small eastern mine operators that the costs of reclamation as required under federal control will result in the closing of many small surface mines, especially in the Appalachian region. Other constraints may become operative in the west and in the agricultural/coal lands of the Midwest. However, the additional cost of reclamation per ton of coal capable of being mined from these areas is sufficiently low so as to pose no economic hindrance. Nevertheless, there may be an adverse effect on short-term production goals. At least four problem areas related to the adequacy of coal mine reclamation could arise as a result of the new federal programs under Pub. L. 95-87. These are:

1. Improper permitting and site inspection because of poorly trained personnel.

2. The emergence of new reclamation problems because of the promotion of underground and eastern versus western extraction.

3. The occurrence of local post-mining land-use conflicts. The new programs should strive for coordination of reclamation with local development objectives.

4. Issuance of weakened reclamation standards under pressures for higher coal production—particularly in situations where information is insufficient to understand the consequences of mining reclamation operations.

Increased coal production under NEP will create additional impacts to water resources in the East and Midwest. Research is needed to evaluate the effectiveness of various mining and reclamation techniques to minimize water resource problems in mined areas during and after reclamation. Runoff rates and erosion on reclaimed mine areas have not been well documented. The ability of different reclamation techniques to minimize long-term erosion and sediment transport to streams has not been specifically investigated. The extent and magnitude of future problems will be determined primarily by the effectiveness of new legislation.

Reclamation-water resource problems in the West are those associated with erosion and increased sediment loading in streams. Site-specific impacts on local groundwater tables, especially in alluvial valleys, are another important problem. Alluvial valley floors are important for agricultural purposes and research is needed on reclamation of these valley floors and adjacent uplands before long-term impacts on agricultural and groundwater hydrology and water quality can be evaluated.

The approximate contour regulation of the new Federal Surface Mining Act presents a problem for restoration of both surface mining and the surface effects of underground mining in Appalachia. Returning a surface mine to original contour creates long uninterrupted slopes which promotes erosion and slope instability.

Surface mining for coal in the Midwest has encroached on valuable prime agricultural lands. Projected estimates for the Midwest indicated that land disturbance by surface mining will possibly double to meet the NEP 1985 goals. The major concern of mining prime agricultural lands is whether the technology or knowledge exists which will allow for the successful reestablishment of those soil factors conducive to successful crop production.

SUMMARY OF ISSUES: INCREASED GENERATION OF COAL ASH AND FGD SLUDGES

Implementation of the NEP will result in an increase in coal ash production in proportion to the increase in coal utilization and the amount of flue-gas desulfurization (FGD) sludges in proportion to the incremental amount of SO_2 removed from stack gases. It is estimated that by 1985 coal ash production will increase by 9 percent over pre-NEP projections and that the corresponding increase in FGD sludge production will be 26 percent. Local regions, particularly those in which little coal has been used traditionally, are expected to experience larger percentage increases. The largest impact, however, will be in areas of light population density and high coal usage which are expected to experience difficulty in siting disposal areas for the wastes generated by new coal-burning industrial boilers, and by existing utility boilers shifting to coal from other fuels.

The composition of the wastes generated will be dependent upon coal source, boiler design and operating conditions, and the system selected for FGD. Although regenerable FGD systems are under development, it is expected that for the period through 1985 FGD processes will be predominantly of a throw away design generating a mixture of calcium sulfite and sulfate, the exact composition of which will be determined by the particular coal type and FGD process in question.

Regardless of the NEP initiatives, the generation of solid wastes will increase rapidly and it is estimated that by 1985 coal ash will be generated at a rate of 92×10^6 tons/year and FGD sludges at a rate of 33×10^6 tons/year, on a dry basis. The most common disposal methods for both ash and FGD sludges are by settling in ponds and landfill; limited amounts of ash, currently about 15 percent, are used for the production of cement, as a filler, and other industrial applications. Ocean and mine disposal under carefully controlled conditions offer potential future alternative disposal options. Selection of the method of disposal depends upon the availability of suitable sites and on the ability to satisfy Federal and local regulations. It is estimated that under the NEP the solid waste to be disposed of in the decade up to 1985 will be 350,000 acre-ft. The land committed to disposal sites will be large, ranging from 0.4 to 0.7 acres per MW of installed boiler capacity.

Potential adverse consequences of disposal are the diversion of land from other uses, the contamination of ground and surface waters, and fugitive dust emissions from landfill sites. Additional problems are provided by the difficulty of dewatering sulfite-rich FGD sludges and the poor compaction characteristics of untreated sludges. These problems have been identified and technical solutions are either available or are under development.

In view of the limited experience with the disposal of sludges, and the long lag between the times of disposal and the observation of potential adverse effects, it is imperative that disposal sites be carefully evaluated prior to approval and that legislation expected to restrict contamination from disposal sites be rigorously enforced. Continued priority should be given to the reduction of wastes by the development of processes for the utilization of solid wastes and by the development of regenerable FGD systems. The impact on the terrestrial environment should be minimized by the ensurance that the sludges disposed are stabilized in order to permit reclamation of landfill sites. Discharges from ponds, where contaminated, should be either treated or recycled to the power plant for reuse. Uncertainty exists on the potential for leaching of trace metals, radionuclides and other contaminants from ash and sludge, as a consequence of which the movement of leachate at disposal sites should be closely monitored. The above potential problems have

been stressed because the degree to which existing legislation will be implemented and enforced at the state level is presently unknown.

SUMMARY OF ISSUES: THERMAL CONSEQUENCES

The thermal consequences of coal utilization are most meaningfully assessed in comparison with the form of power generation replaced by coal. If coal replaces oil or gas, there are no significant thermal differences. However, light water nuclear power plants discharge approximately 50 percent more waste heat to the atmosphere through cooling towers or to a water body than coal-fired plants. Coal-fired plants require about ⅔ as much water as nuclear power plants. Therefore, for comparable siting, the effects, if linear, are only ⅔ those of nuclear plants. The different effects are influenced by siting decisions and the intrinsic thermal efficiencies of the two fuel systems.

Nearly every property of water is affected non-linearly by temperature, and biological effects may amplify these changes because protein denaturation takes place more rapidly above 30° C and these high temperatures affect bacteriacidal and viruscidal activity of chlorine compounds. Usually algal populations change from a dominance of diatoms and green algae to dominance by blue-green algae. All organisms experience elevated metabolic rates at higher temperatures which may affect total energy needs, foraging ability, reproduction, migration and susceptibility to disease.

Intake structures inevitably draw many organisms into the cooling system of a power plant, but the number and kind are influenced by its location, configuration, and mode of operation. Use of water recirculation systems reduces water use and with it, the number of organisms entrained. Damage in the cooling system to very small organisms may be small, but fish and their larvae and eggs may be seriously damaged. The effects will determine rate of reproduction, percent of flow withdrawn, mortality rate, and the life span of the organisms.

Discharge effects in water may also be severe but are generally local. The near field, where there are strong shear velocities and rapid temperature changes are particularly stressful to fish, and stringent limitations on the timing and strength of discharges may be required to reduce these stresses to non-damaging levels.

Off stream cooling systems may transfer the harmful effects to the atmosphere and increase cloudiness, ground fog, precipitation, temperature and local winds, but these effects generally extend no further than 1000 meters even in winter.

There is considerable potential for using condenser cooling water for agricultural and aquacultural purposes, such as irrigation, frost protection, undersoil heating, greenhouse heating and climate control. However, over the next few decades little of this waste heat is likely to be used creatively.

Summary

The thermal consequences of implementing NEP are locally serious but do not pose regional problems. Creative use of the waste heat for aquaculture, agriculture, cogeneration, and power for energy intensive industries can be a powerful means of mitigating undersirable effects.

[FR Doc. 78-1016 Filed 1-13-78; 8:45 am]

[4310-70]

DEPARTMENT OF THE INTERIOR

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southern Region of the Appalachian National Scenic Trail Advisory Council will be held at 9:30 a.m., e.s.t., on February 4, 1978, at the Patrick Henry Hotel in Roanoke, Va.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of Trail protection programs; (2) to review highway construction and other intrusions affecting the Trail; (3) to discuss the role of volunteers in maintaining the Trail; and (4) to review draft management principles.

The meeting will be open to the public. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, W. Va. 25425 at area code 304-535-6371.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the Headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, W. Va. 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Harpers Ferry.

DAVID A. RICHIE,
Project Manager, Appalachian Trail, National Park Service.

JANUARY 6, 1978.

[FR Doc. 78-1058 Filed 1-13-78; 8:45 am]

[4310-70]

EVERGLADES NATIONAL PARK, FLORIDA; DRAFT GENERAL MANAGEMENT PLAN AND ENVIRONMENTAL STATEMENT

Public Meeting

A draft Environmental Statement relating to the proposed General Management Plan for Everglades National Park, which was released for public review on September 23, 1977, continues to be available for review at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349, or the Office of the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Fla. 33030.

A public meeting to provide for citizen participation is planned for Tuesday, January 24, 1978, at 7 p.m. at the:

Dade County Agricultural Center, 18710 Southwest 288th Street (Biscayne Drive at Redlands Road), Homestead, Fla.

Questions regarding the conduct and format of the meeting may be directed to the designated meeting coordinator—Paul C. Swartz—at the above Regional Office address or by calling 404-996-2520, extension 253.

All persons wishing to submit written and/or oral comments will have an opportunity to do so at the meeting. Time limitations may make it necessary to limit the length of oral presentations and to restrict oral comments made in behalf of an organization to one person. Informed National Park Service personnel will also be available to respond to questions, following the presentation of more formal public statements and comment.

In addition, written comments will be received for consideration at the above listed offices for 45 days following the meeting.

Dated: December 7, 1977.

JOE BROWN,
Regional Director, Southeast Region.

[FR Doc. 78-1077 Filed 1-13-78; 8:45 am]

[4310-70]

INDIANA DUNES NATIONAL LAKESHORE

Boundary Description

Section 3 of Pub L. 89-761, 80 Stat. 1309, as amended by section 1(2) of Pub. L. 94-549, 90 Stat. 2529 (16 U.S.C. § 460u-2) provides that the Secretary of the Interior shall publish in the FEDERAL REGISTER a detailed description ot the boundaries of Indiana Dunes National Lakeshore.

Notice is hereby given that the boundaries of Indiana Dunes National Lakeshore have been established in accordance with the detailed description set forth below.

Dated: December 2, 1977.

RANDALL R. POPE,
Acting Regional Director, Midwest Region, National Park Service.

DESCRIPTION OF THE BOUNDARY OF INDIANA DUNES NATIONAL LAKESHORE

* * * * *

PARCEL 1

Beginning at a point on the north right-of-way line of the Northern Indiana Public Service Co. 132 kV power line in Section 30, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind., said point being 2,750.00 feet northeasterly of the intersection of said north right-of-way line with the south line of said Section 30; thence southwesterly along said north right-of-way line to the LaPorte-Porter County line; thence continuing southwesterly along said north right-of-way line to the intersection of said north right-of-way line with the south line of Section 22, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west along said south line of said Section 22 to the west line of the east one-half of the east one-half of the southwest quarter of the southwest quarter of said Section 22; thence, north along said west line to the south line of the northwest quarter of the southwest quarter of the southwest quarter ot Section 21, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence north along the west line of the east one-half of the west one-half of said Section 21 to the intersection of said west line with a line that is 300.00 feet distant northerly and parallel to the shoreline of Lake Michigan; thence northeasterly along said line that is parallel to said shoreline and is 300.00 feet offshore to a point, said point being the intersection of said parallel line and a north-south line that is 1,100.00 feet West of the east line of Section 30, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind.; thence sourtheasterly 520 feet, more or less, to the point of beginning; excepting therefrom an area within the corporate limits of Beverly Shores, Ind., said area being within the following described perimeter: Beginning at the intersection of the centerline of Lake Shore Drive and the centerline of Derby Avenue; thence northwesterly along the centerline of Derby Avenue to the centerline of Lake Front Drive; thence northeasterly along the centerline of Lake Front Drive to the centerline of Drake Avenue; thence southerly along the centerline of Drake Avenue to the intersection of Drake Avenue, Wilson Avenue, and Montana Avenue; thence southerly along the centerline of Montana Avenue to the centerline of Lake Shore Drive, a.k.a. Beverly Drive; thence sourtwesterly along the centerline of Lake Shore Drive, a.k.a. Beverly Drive, to the point of beginning; also excepting an area that is partly in the Town of Porter, Ind., and partly in the Town of Dune Acres, Ind., said area described as follows: Beginning at the northeast corner of the southeast quarter of the southwest quarter of Section 14, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence south along the east line of said southeast quarter of the southwest quarter to the south line of said Section 14; thence west along said south line 1,640 feet, more or less; thence south 840 feet, more or less; thence west 3,630 feet, more or less; thence south 500 feet, more or less, to the northeast corner of the southeast quarter of the northwest quarter of Section 22, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west 2,000 feet, more or less; thence north to the "toe of the dunes"; thence northeasterly along the "toe of the dunes" to the centerline of Wabash Avenue in the town of Porter, Ind.; thence south along the centerline of said Wabash Avenue to the south line of the northeast quarter of the southeast quarter of Section 14, Township 37 North, Range 6 West, Second Principal Meridian, Porter County, Ind.; thence west to the point of beginning.

PARCEL 2

Beginning at the northeast corner of the west half of Lot 3, Block 212, in Frederick H. Bartlett's Beverly Shores, Unit "K", being a subdivision of part of the southeast quarter and the southwest quarter of Section 9, Township 37 North, Range 5 West, Second Principal Meridian, Porter County, Ind., said point of beginning being on the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence southeasterly along the east line of the west half of said Lot 3 to the north line of Dunes Highway; thence southwesterly along said north line 40 feet; thence southerly along the west line of Sheffield Avenue to a point, said point being 350 feet by perpendicular measure north of the north edge of Highway U.S. 20; thence southwesterly parallel to and 350 feet north of the north edge of U.S. 20 to the west line of County Road 300 East; thence south 350 feet; thence east 280 feet; thence southwesterly 550 feet; thence northeasterly 370 feet to the southeast corner of Section 17, Township 37 North, Range 5 West, Second Principal Meridian; thence, west along the south line of said Section 17, 1,230 feet, more or less; thence north 250 feet; thence west 300 feet; thence south 250 feet; thence, east 200 feet; thence south along the centerline of Bowser Road to the north edge of Highway U.S. 20; thence southwesterly along said north edge to the south line of the northwest quarter of Section 20, Township 37 North, Range 5 West, Second Principal Meridian; thence west to the east line of the southwest quarter of the northwest quarter of said Section 20; thence north along said east line to the north line of said southwest quarter of the northwest quarter of Section 20; thence west along said north line to the west line of said southwest quarter of the northwest quarter of Section 20; thence south along said west line to the southeast corner of the northeast quarter of Section 19, Township 37 North, Range 5 West, Second Principal Meridian; thence west along the south line of said northeast quarter of said Section 19 to the Southwest corner of said quarter section; thence south 825 feet, more or less; thence west 1,320 feet; thence north 90 feet, more or less, to the centerline of Hawleywood Road; thence west along said centerline to the centerline of County Road 100 East; thence south along said County Road centerline 1,000 feet, more or less; thence west 1970 feet, more or less; thence north 420 feet, more or less; thence west to the southeast corner of the northwest quarter of the southwest quarter of Section 24, Township 37 North, Range 6 West, Second Principal Meridian; thence continuing west 890 feet, more or less; thence southwesterly along a line that is 850 feet distant southeasterly and parallel to the south right-of-way line of the Chicago, South Shore & South Bend Railroad to a point where the last described line intersects the north line of North Triangle Street in Dune Forest Subdivision; thence continuing southwesterly along said north line to a point where it intersects the north line of a street known as Dune Forest Trail; thence southwesterly along the north line of Dune Forest Trail to a point where last mentioned north line intersects a line, said line being 850 feet distant southeasterly and parallel to the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence continuing southwesterly along the last described line to a point, said point being 935 feet South and 330 feet east of the northeast corner of Section 27, Township 37 North, Range 6 West, Second Principal Meridian; thence 330 feet west to the centerline of County Road 100 West; thence south along said centerline to the centerline of Oak Hill Road; thence east along said centerline of Oak Hill Road to the centerline of County Road 50 West, a.k.a. Wagner Road; thence south along the centerline of County Road 50 West to the north right-of-way line of Highway U.S. 20; thence southwesterly along said north right-of-way line to the Old Indian Treaty boundary line; thence west along said Old Indian Treaty Boundary line to the east line of Section 33, Township 37 North, Range 6 West; thence south along said east line 34 feet, more or less, to the north right-of-way line of the New York Central Railroad; thence northwesterly along said north right-of-way line to a point, said point being the intersection of said north right-of-way line with a line 330 feet east of, and parallel to, the north-south centerline of said Section 33; thence south to the north edge of Wennerstrom Road, a road shown in the plat book of Westchester Township, Porter County, Ind., in the north half of Section 33, Township 37 North, Range 6 West, Second Principal Meridian; thence southwesterly and westerly along said north edge of Wennerstrom Road to the west line of the east half of the northwest quarter of said Section 33; thence north to the Indian Treaty boundary line; thence east along said Indian Treaty boundary line 252.5 feet; thence north 220 feet, more or less, to the centerline of the Little Calumet River; thence westerly along said river centerline to a point thereon 12 feet west of the west line of the east half of the northwest quarter of said Section 33; thence south parallel to said west line 290 feet, more or less, to the Indian Treaty boundary line; thence west along said Indian Treaty boundary line 620 feet; thence north 204 feet; thence west to the centerline of the Little Calumet River; thence westerly along said river centerline to a point thereon that is 300 feet east of the west line of said Section 33; thence, south 600 feet, more or less, to the north edge of Wennerstrom Road; thence west along said north edge to the east line of Section 32, Township 37 North, Range 6 West, 2nd Principal Meridian; thence westerly to the intersection of the west line of relocated State Route 149 with the north line of Indian Springs Subdivision; thence westerly along the north line of Indian Spring Subdivision to the intersection of said north line with a line that is parallel to and 440 feet west of the east line of said Section 32; thence south 40° west 510 feet; thence west 280 feet; thence north 70 feet; thence southwesterly along a line that

is parallel to and 50 feet distant southeasterly from the centerline of the Little Calumet River 220 feet; thence south 90 feet; thence west 440 feet; thence south 340 feet; thence west 1,140 feet; thence south 380 feet; thence west 890 feet; thence south 58° West 1,540 feet; thence west 250 feet, more or less to the west line of said Section 32; thence continuing west 200 feet; thence north 750 feet; thence east 200 feet to the west line of said Section 32; thence north along said west line 1,000 feet, more or less, to the south line of a platted road; thence easterly and northeasterly along said south line to a point on said south line that is 800 feet east of the west line of said Section 32; thence south 200 feet; thence east 300 feet, more or less, to the centerline of the Little Calumet River; thence northerly, northeasterly, and easterly along said river centerline to a point, said point being 9.4 feet southeasterly of the most westerly part of a parcel of land described in Porter County Deed Record 278, page 143, said point also being 700 feet, more or less, south of the Indian Treaty boundary line and 1,100 feet, more or less, west of the north-south centerline of said Section 32; thence northwesterly 9.4 feet along the boundary of said parcel of land; thence northeasterly 732.33 feet along the boundary of said parcel of land; thence northeasterly 560 feet, more or less, to the intersection of the north-south centerline of said Section 32 with the Indian Treaty boundary line; thence easterly along said Indian Treaty boundary line 620 feet; thence north 40° east 220 feet; thence east 530 feet, more or less, to the west line of the east half of the east half of said Section 32; thence continuing east 80 feet; thence south 840 feet, more or less, to a point, said point being 50 feet distant northwesterly from the centerline of the Little Calumet River; thence northeasterly, parallel to and 50 feet distant northwesterly from the centerline of said river 220 feet; thence north to the Indian Treaty boundary line; thence north 68° east 2,060 feet; thence east 450 feet; thence south 79° east 490 feet; thence south 100 feet; thence east 260 feet, more or less, to a point, said point being 50 feet distant northwesterly from the Little Calumet River; thence northeasterly, along a line that is parallel to and 50 feet distant northwesterly from said river centerline, 300 feet; thence north 120 feet; thence north 46° east 1,550 feet, more or less, to the southeast corner of the west half of the west half of the southeast quarter of Section 28, Township 37 North, Range 6 West, 2nd Principal Meridian; thence east along the south line of said Section 28, 1,980 feet, more or less, to the southwest corner of said Section 28; thence North along said east line 1,815 feet; thence north 67° east 510 feet; thence east 860 feet; thence south 30 feet; thence east 1,320 feet to the west line of the east half of section 27, Township 37 North, Range 6 West, Second Principal Meridian; thence north along said west line of said east half of Section 27 to the south right-of-way line of the Chicago, South Shore & South Bend Railroad; thence northeasterly along said south right-of-way line to the point of beginning.

PARCEL 3

Beginning at a point on the south line of Section 25, Township 37 North, Range 7 West, Second Principal Meridian, Porter County, Ind., said point being 300 feet east of the southwest corner of said Section 25; thence southwesterly to a point on the east line of Section 35, Township 37 North, Range 7 West, Second Principal Meridian, said point being 1,800 feet north of the Old Indian Treaty boundary line; thence south along said east line of Section 35 to the south right-of-way line of the Indiana Harbor Belt Railroad; thence westerly along said south right-of-way line to the east line of the west 350 feet of the east half northeast quarter of said Section 35; thence south along said east line to the north right-of-way line of U.S. 12; thence southwesterly along said north right-of-way line 780 feet, more or less, to a point opposite the west line of an existing dirt road on the south side of U.S. 12; thence southwesterly to a point, said point lying on the south right-of-way line of U.S. 12, 50 feet southwesterly of the intersection of the east line of that parcel of land described in deed dated December 12, 1967, and recorded December 20, 1967, in Volume 225, Page 176, as Document No. 47003 of the records of Porter County, Ind., and said south right-of-way line; thence southwesterly to a point, said point lying 550 feet north of the east-west centerline and 510 feet east of the north-south centerline of said Section 35, thence west 160 feet; thence south 700 feet; thence east 260 feet; thence south 1,710 feet; thence west 100 feet; thence south 240 feet, more or less, to the north right-of-way line of the Northern Indiana Public Service Co. power line; thence southwesterly along said north right-of-way line 2,500 feet; thence, north 545 feet, more or less, to the Township line between Township 36 North and 37 North, Range 7 West, Second Principal Meridian; thence west along said township line to a point that is 3,985 feet east of the northwest corner of Section 3, Township 36 North, Range 7 West, Second Principal Meridian; thence southwesterly 3,622 feet, more or less to a point, said point being 1,150 feet south and 550 feet east of the northwest corner of said Section 3; thence west 550 feet to the west line of said Section 3; thence north along said west line 1,150 feet to the northwest corner of said Section 3; thence continuing north along the east line of Section 33, Township 37 North, Range 7 West, Second Principal Meridian, 620 feet, more or less; thence westerly and southwesterly along the northerly line of a street known as Oak Ridge Drive to a point that is directly north of the lot line between Lots 17 and 18, in Block "R" of Inland Manor Fifth Addition in the City of Gary, Lake County, Ind.; thence south 285 feet, more or less, to the south line of said Section 33; thence west along said south line to the north-south centerline of said Section 33; thence continuing west 30 feet; thence south 165 feet to the intersection of the west line of Union Street and the north line of Alley No. 1-A South in Inland Manor Fourth Addition in the City of Gary, Ind.; thence westerly along said alley north line to the west line of Alley No. 84 East extended northerly; thence south along said alley west line to the lot line between Lots 3 and 4, Block "L" in said Inland Manor Fourth Addition; thence east 1,146 feet, more or less, to the west line of Union Street; thence south 505 feet to the north line of the southwest quarter, Section 4, Township 36 North, Range 7 West, Second Principal Meridian; thence west 70 feet; thence south on a line parallel to and 100 feet west of the east line of said southwest quarter, Section 4, to the north line of the Baltimore & Ohio Railroad right-of-way; thence westerly along said north line to the east line of the southwest quarter of Section 5, Township 36 North, Range 7 West, Second Principal Meridian; thence north along said east line to the northeast corner of said southwest quarter of Section 5; thence west along the north line of said southwest quarter of Section 5 to a point 2,060 feet east of the west line of said Section 5; thence north parallel to said west line to the north line of the Penn Central Railroad right-of-way; thence west along said railroad right-of-way north line to the east line of Section 1, Township 36 North, Range 8 West, Second Principal Meridian; thence south along the east line of said Section 1 to a point, said point being 200 feet northerly by perpendicular measure from the north line of the Baltimore & Ohio Railroad right-of-way; thence westerly and parallel to said railroad right-of-way north line to a point, said point being 1,356.86 feet east by perpendicular measure from the west line of said Section 1; thence north and parallel to said west line of said Section 1 to the north line of said Section 1; thence east along the north line of said Section 1 to a point 990 feet west of the southeast corner of section 36, Township 37 North, Range 8 West, Second Principal Meridian; thence north along a line, said line being parallel to and 990 feet west of the east line of said Section 36 to the Old Indian Treaty boundary line; thence west along said Old Indian Treaty boundary line 1,750 feet, more or less, to a point, said point being the intersection of the Old Indian Treaty boundary line with a north-south line, said north-south line being the east edge of the U.S. Steel Corp. landfill breakwater prolonged southward; thence north along said north-south line to a point 300 feet north of the south shore of Lake Michigan; thence easterly parallel to and 300 feet north of the south shore of Lake Michigan to the west line of the east half of Section 31, Township 37 North, Range 7 West, Second Principal Meridian extended northerly; thence south along said west line of said east half of said Section 31 to the south line of said Section 31; thence east along said south line to the southeast corner of said Section 31; thence continuing east along the south line of Section 32, Township 37 North, Range 7 West, Second Principal Meridian, to the southwest corner of the southeast quarter of said Section 32; thence north 162 feet; thence east on a line parallel to and 162 feet north of the south line of said Section 32 to a point, said point being the intersection of said parallel line and the north right-of-way line of the Indiana Harbor Belt Railroad Co.; thence northeasterly along said north right-of-way line to the west line of Section 33, Township 37 North, Range 7 West, Second Principal Meridian; thence north along said west line to a point that is 890 feet south of the northwest corner of said southwest quarter of said Section 33; thence easterly 720.50 feet; thence southerly 31.00 feet; thence easterly along the south line of Lakewood Hills Fourth Subdivision 179.50 feet; thence northerly on a line parallel to and 900 feet east of the west line of said Section 33 to a point that is 600 feet south of the north line of the southwest quarter of said Section 33; thence easterly along a line that is parallel to and 600 feet south of the north line of said southwest quarter of said Section 33, 590 feet; thence northerly 300 feet; thence easterly on a line that is parallel to and 300 feet south of the north line of said southwest quarter 828.51 feet to the west line of the east 330 feet of said

southwest quarter; thence southerly on said west line 748.11 feet to the north line of the Indiana Harbor Railroad Co. right-of-way; thence northeasterly along said north line to the west line of Government Lot 3, in the southeast quarter of said Section 33; thence north along said west line 409.87 feet, more or less, to the north line of said southeast quarter; thence easterly on said north line 700 feet, more or less, to the south edge of Wells Place, a street in Young's Dunelands Subdivision; thence northeasterly along the east edge of Wells Place to the northwest corner of Lot 25, Block 10, Young's Dunelands Subdivision; thence northerly to the southwest corner of Lot 13, Block 4, Young's Dunelands Subdivision, said corner being on the east edge of Wells Place; thence north along the east edge of Wells Place to the south edge of Indian Boundary Avenue; thence east along the south edge of Indian Boundary Avenue to the west line of Section 34, Township 37 North, Range 7 West, Second Principal Meridian, said west line being the county line between Lake County and Porter County, Ind.; thence north along said west line to the northwest corner of said Section 34; thence continuing north along the west line of Section 27, Township 37 North, Range 7 West, Second Principal Meridian and along said west line prolonged northward to a point in Lake Michigan, said point being 300 feet north of the south shore of Lake Michigan; thence easterly parallel to and 300 feet north of the south shore of Lake Michigan to a point 3,600 feet west of the east line of Section 25, Township 37 North, Range 7 West, Second Principal Meridian; thence southerly to the point where the south shore of Lake Michigan meets the west edge of Burns Waterway; thence continuing southerly along said west edge of Burns Waterway to the south line of said Section 25; thence westerly along said south line to the point of beginning; excepting an area within the corporate limits of Ogden Dunes described as follows: Beginning at the northeast corner of Section 35, Township 37 North, Range 7 West, Second Principal Meridian; thence west along the north line of said Section 35 to the west line of the east half of said Section 35; thence south along said west line to a line that is parallel to and 100 feet distant northerly by perpendicular measure from the northerly right-of-way line of the New York Central Railroad, as said northerly right-of-way line lies in the west half of the east half of said Section 35; thence southwesterly along said parallel line 970 feet; thence southerly making a right angle with last mentioned line 23.8 feet; thence west 355 feet, more or less, to the west line of the east one-half of said Section 35; thence south 50 feet, more or less, to the Old Indian Treaty boundary line; thence west along said boundary line to the west line of said Section 35; thence north along said west line to a point that is 44 feet south of the northwest corner of said Section 35; thence, 30 feet east to the southwest corner of Lot 47 of Ogden Dunes Sixth Subdivision; thence southeasterly, northeasterly, and southwesterly along the south line of Lots 47, 48, 51, 35, and 16 of said Ogden Dunes Sixth Subdivision to the west line of Diana Road in said subdivision; thence northeasterly to the northeast corner of Lot 1 in said subdivision; thence northwesterly along the north line of Lots 1 and 2 and part of Lot 3 to the southerly extension of the west line of a lane that lies adjacent to the west side of Lot 225 in Ogden Dunes Third Subdivision; thence northerly along said west line of said lane and along the west line of Parcel B in said subdivision and along the west line of an alley that is platted West of Lot 239 in said Ogden Dunes Third Subdivision to a point, said point being the intersection of the last described line and the north line of said Lot 239 extended southwesterly; thence northeasterly along a line, said line described as being 150 feet northwesterly of and parallel to the north edge of Shore Drive in Ogden Dunes, to the east line of Section 26, Township 37 North, Range 7 West, Second Principal Meridian; thence south along said east line to the point of beginning.

PARCEL 4

Commencing at the northeast corner of Section 35, Township 37 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind., thence north 89°10'25" west along the north line of said Section 35, 528 feet to the point beginning; thence south 02°28' west, 216 feet; thence north 89°10'25" west, 47.09 feet; thence south 02°28' west, 550.00 feet; thence south 22°58'09" west, 200.15 feet; thence easterly parallel with the north line of the south half northeast quarter of said Section 35 to a point that is 600 feet west of the east line of said Section 35; thence south parallel with said east line, 231 feet; thence east parallel with the north line of the south half northeast quarter of Section 35, 300 feet; thence south 220 feet; thence east 300 feet to the east line of said Section 35; thence south 300 feet; thence west 300 feet; thence south 225 feet; thence east to the east line of said Section 35; thence southerly along said east line to a point on said east line that is 500 feet north of the northeast corner of the southeast quarter of said Section 35; thence west 220 feet; thence south 250 feet; thence east 220 feet to the east line of said Section 35; thence south along said east line 720 feet, more or less, to the northwesterly right-of-way line of the Indiana East-West Toll Road; thence southwesterly along said right-of-way line 183 feet, more or less, to a point, said point being 150 feet northwesterly, measured at right angles, from the centerline of said Toll Road at Station 2455+20; thence north 22°24'31" west, 40 feet; thence south 67°35'29" west, 20 feet; thence south 22°24'31" east, 40 feet; thence continuing southwesterly along said northwesterly right-of-way line of said Toll Road to the centerline of Wozniak Road; thence northerly along the centerline of Wozniak Road to a point, said point being 900 feet south of the north line of the northwest quarter southwest quarter of Section 35; thence westerly parallel to said north line to the west line of said Section 35; thence northerly along said west line to a point, said point being 550 feet south of the Old Indian Treaty boundary line; thence east, parallel to the east-west centerline of said Section 35, to the centerline of Wozniak Road; thence northerly along the centerline of said Wozniak Road to the north line of said Section 35; thence easterly along said north line to a point, said point being 468.89 feet west of the southeast corner southwest quarter southeast quarter of Section 26, Township 37 North, Range 4 West, Second Principal Meridian, LaPorte County, Ind.; thence north 01°06' east, 698.71 feet; thence south 89°10'25" east, 485 feet; thence north 89°44'10" east, 440.11 feet; thence south 31°15'59" east, 619.34 feet; thence south 00°49'35" west, 132.95 feet; thence south 07°34.9' east, 50.46 feet to the point of beginning.

PARCEL 5

The following described parcels of land in Sections 26 and 27, Township 37 North, Range 5 West, Second Principal Meridian, Porter County, Ind.: The north 1,150 feet of the southeast quarter of said Section 26 lying west of the west line of County Road 600 East; all of the southwest quarter of said Section 26; all of the southeast quarter of said Section 27 lying east of the east line of County Road 450 East.

PARCEL 6

Beginning at a point on the north line of Section 3, Township 35 North, Range 9 West, Second Principal Meridian, Lake County, Ind., said point being 100 feet west of the northeast corner of the northwest quarter of said Section 3; thence south parallel to the east line of said northwest quarter to a point, said point being 326 feet north of the south line of the north half of said northwest quarter; thence west parallel to said south line to the west line of said northwest quarter; thence continuing west 60 feet; thence south parallel to the east line of the northeast quarter of Section 4, Township 35 North, Range 9 West, Second Principal Meridian, to the south line of said northeast quarter; thence west along said south line to the east edge of Kennedy Avenue; thence north along the east edge of Kennedy Avenue to a point that is 396 feet south of the north line of the southwest quarter of the northeast quarter of said Section 4; thence east parallel to said north line to the east line of the west half of the northeast quarter of said Section 4; thence north along said east line to a point that is 1,030.22 feet south of the north line of said Section 4; thence west to the east edge of Kennedy Avenue; thence north along said east edge of Kennedy Avenue to the north line of said Section 4; thence east along said north line to a point, said point being the intersection of said north line and the southerly extension of the east line of Kennedy Avenue as said Kennedy Avenue exists in Section 33, Township 36 North, Range 9 West, Second Principal Meridian, in Lake County, Ind.; thence north along said east line of Kennedy Avenue to the north line of the south half of the southeast quarter of said Section 33; thence east along said north line, 2,020 feet, more or less, to the southwesterly line of the Northern Indiana Public Service Co. right-of-way; thence southeasterly along said southwesterly line 3,256.4 feet, more or less, to a point, said point being 190 feet west and 282.0 feet north of the southeast corner of the southwest quarter of Section 34, Township 36 North, Range 9 West, Second Principal Meridian; thence south parallel to the east line of said southwest quarter 282.0 feet to the south line of said Section 34; thence east along said south line to the point of beginning.

[FR Doc. 78-1059 Filed 1-13-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[332-87]

CONDITIONS OF COMPETITION IN WESTERN U.S. STEEL MARKET BETWEEN CERTAIN DOMESTIC AND FOREIGN STEEL PRODUCTS

Time and Place of Portland, Oreg., Hearing

Notice is hereby given that the public hearing in connection with the above noted investigation scheduled for Portland, Oreg., will be held beginning at 10 a.m., p.s.t., Tuesday, January 24, 1978, in Room 223 of the New Federal Building, 1220 Southwest Third Street, Portland.

Requests for appearances at the hearing should be received, in writing, by the Secretary of the Commission in his office in the United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, not later than noon, Thursday, January 19, 1978.

Notice of the times and places of the Denver and Los Angeles hearings was published in the FEDERAL REGISTER of October 31, 1977 (42 FR 56988), and notice of the investigation and public hearings was published in the FEDERAL REGISTER of June 15, 1977 (42 FR 30555).

By order of the Commission.

Issued: January 11, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-1169 Filed 1-13-78; 8:45 am]

[7020-02]

[332-91]

UNITED STATES EXPORTS TO SOVIET UNION: PAST TRENDS, RECENT DEVELOPMENTS, AND FUTURE PROSPECTS

Investigation

Pursuant to its authority in section 332(b) of the Tariff Act of 1930 to investigate "conditions, causes, and effects relating to competition of foreign industries with those of the United States" (19 U.S.C. 1332(b)), the United States International Trade Commission has instituted an investigation of "United States Exports to the Soviet Union: Past Trends, Recent Developments, and Future Prospects." The Commission has instituted this investigation in light of indications in recent data that (1) growth in United States exports to the Soviet Union has begun to level off following a period of relatively rapid growth, and (2) the favorable balance of trade which the United States has enjoyed with the Soviet Union has begun to slip.

In approaching the subject matter of the investigation, the Commission will consider the history of the U.S. export trade with the Soviet Union from 1917 to the present and will focus upon developments during the past five years (1972-1977). Product composition of U.S. exports to the Soviet Union will be discussed in comparison with exports of other western industrialized countries to the Soviet Union.

The range of variables to be considered by the Commission which may have had an effect upon U.S. exports to the Soviet Union for the 1972-1977 period will include: (1) The availability or nonavailability of U.S. Export-Import Bank credits, whether in the form of "loans, guarantees, insurance, or any combination thereof;" (2) the impact of state planning in the context of the Soviet 5-year plans and recent trends in Soviet foreign trade; (3) Soviet agriculture, with analysis of Soviet cyclical grain output, import demands for grain, and Soviet-American grain agreements; (4) the Soviet balance of payments; and (5) export control mechanisms established by U.S. law, such as the Export Administration Act of 1969, as amended.

METHODOLOGY

In addition to information and source materials presently at its disposal, the Commission will collect data for the investigation by the following means:

1. *Questionnaires.* The Commission will collect information and requisite economic data for its investigation by questionnaire addressed to approximately 400 selected companies.

2. *Written submissions.* Interested persons, having information pertinent to the subject matter of the Commission's investigation or desiring to be heard on any point with respect thereto, are invited to submit written statements or comments to the Commission. In the event that such written submissions contain business information which a submitter desires the Commission to treat as confidential, the confidential material must be submitted on separate sheets, each of which must be clearly marked at the top "Confidential Business Data." In addition, all submissions of confidential business information must comply with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but not later than March 1, 1978. All written submissions should be addressed to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: January 11, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-1170 Filed 1-13-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, February 5, 1978, starting at 5 p.m. and on Monday, February 6, 1978, starting at 8 a.m., in the Conference Room of the Federal Bureau of Prisons Regional Office, K.C.I. Bank Building, 8800 N.W. 112th Street, Kansas City, Mo.

This meeting is one of the regularly scheduled triannual meetings of the Advisory Board.

Signed at Washington, D.C. this 9th day of January, 1978.

JOHN A. WALLACE,
Acting Director.

[FR Doc. 78-1020 Filed 1-13-78; 8:45 am]

[1505-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

Correction

In FR Doc. 77-37340, appearing at page 47 in the issue for Tuesday, January 3, 1978, on page 47, in the third column, the date in the first line of the third paragraph should read "February 2, 1978".

[7590-01]

[Docket Nos. 50-317 and 50-318]

BALTIMORE GAS & ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 28 and 13 to Facility Operating License Nos. DPR—53 and DPR—69 (respectively), issued to Baltimore Gas & Electric Co. (the licens-

ee), which revised the licenses and their appended technical specifications for operation of the Calvery Cliffs Nuclear Power Plant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Md. The amendments are effective as of their date of issuance.

The amendments change the technical specifications by modifying the Limiting Conditions for Operation (LCO) on Control Element Assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long term guide tube wear problem under development.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 23, 1977, and supplements thereto dated January 4, and 6, 1978, (2) amendment No. 28 to license No. DPR—53 and amendment No. 13 to license No. DPR-69, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Md., 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this sixth day of January, 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1112 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-325 and 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Safety Evaluation Relating to Brunswick Steam Electric Plant Program for Seismic Monitoring

Notice is hereby given that the Office of Nuclear Reactor Regulation has issued a Safety Evaluation for the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, approving the termination of the seismic portion of the seismic monitoring program as provided for in license condition 2.C.(3). The leveling portion of the program will continue for about 2 years ending about July 1979.

The Safety Evaluation dated December 28, 1977, is available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, N.C. for inspection and copying.

Dated at Bethesda, Md., this 28th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1113 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-6, issued to the Consumers Power Co. (the licensee), which revised the license and its appended Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Mich. The amendment is effective as of its date of issuance.

The amendment consists of administrative changes to the technical specifications for the facility to:

1. Delete the requirement for an annual operating report, while retaining the specific requirement for an annual report of occupational exposure;

2. Modify the submittal date for the monthly operating report to the 15th (vice 10th) of the month following the calendar month covered by the report;

3. Incorporate minimum qualifications for the radiation protection supervisor to meet the minimum qualifications of Regulatory Guide 1.8 issued September 1975; and

4. Delete reference to respiratory protection equipment since this item is now covered by 10 CFR 20.103 of Part 20 of the Commission's regulations.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 17, 1977 and November 11, 1977, (2) Amendment No. 16 to License No. DPR-6, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Mich. 49720.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this tenth day of January 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1114 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor

(LACBWR) located in Vernon County, Wis. The amendment is effective as of its date of issuance.

The amendment eliminates the requirement for an Annual Operating Report while retaining the requirement to report personnel occupational exposure data.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the licnese amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 19, 1977, (2) Amendment No. 9 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-1115 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-67, issued to Florida Power & Light Co. (the licensee), which revised the license and its appended Technical Specifications for operation of St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications by modifying the Limiting Conditions for Operation (LCO) on Control Element Assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long term guide tube wear problem under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 4, 1978, (2) Amendment No. 20 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-1116 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-321]

GEORGIA POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will delete the requirement for an Annual Operating Report in order to be consistent with Commission guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1977, (2) Amendment No. 49 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Ga 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-1117 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised technical specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment changes the technical specifications by modifying the limiting conditions for operation on control element assembly (CEA) positions for reactor operation. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes. This interim action is being taken pending completion of the program to address the long-term guide tube wear problem under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 5, 1978, (2) Amendment No. 33 to License No. DPR-36, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-1118 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment adds an Interim Special Technical Specification 6.4 which limits control element assembly (CEA) Insertion. The change authorizes the insertion of all CEAs a nominal 3 inches from their present position. Deeper insertion of the CEAs will provide a new wearing surface for the CEA guide tubes.

This interim action is being taken pending completion of a long-term program to address guide tube wear that is under development.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1977, as revised on January 4, 1978, (2) Amendment No. 34 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of itms (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-1119 Filed 1-13-78; 8:45 am]

[7509-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. NPF-1 issued to Portland General Electic Co., the city of Eugene, Oreg., and Pacific Power & Light Co. which revised technical specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective 30 days from its date of issuance.

This amendment incorporates technical specifications for existing fire protection equipment and systems, and incorporates additional administrative controls into the technical specifications for the fire protection program at the Trojan Nuclear Plant. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11 and August 22, 1977, (2) Amendment No. 18 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Courtroom, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1120 Filed 1-13-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.40, Revision 1, "Design Basis Floods for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants," describes methods of determining the design basis floods that fuel reprocessing plants and plutonium processing and fuel fabrication plants should be designed to withstand without loss of safety-related functions. This revision was made to reflect changes made to Revision 2 of Regulatory Guide 1.59, "Design Basis Floods for Nuclear Power Plants." This guide endorses ANSI Standard N170-1976, "Standards for Determining Design Basis Flooding at Power Reactor Sites."

Release of this guide is not considered inconsistent with the President's announced policy on reprocessing plants. He focused on limiting or stopping plutonium reprocessing and recycle but encouraged research into other fuel cycles and associated reprocessing plants, which do not involve direct access to materials usable in nuclear weapons. In addition, the application of this guide is not limited to reprocessing plants and plutonium processing and fuel fabrication plants. The recommendations can be applied for the most part to other fuel cycle facilities.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 9th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-1111 Filed 1-13-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 4.5.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Powerplants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section 4.5.2 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of January 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-1110 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-395-OL; Construction Permit No. CPPR-94]

SOUTH CAROLINA ELECTRIC & GAS CO., AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY; (VIRGIL C. SUMMER NUCLEAR STATION)

Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board established to rule on petitions in the above matter. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of

this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 9th day of January, 1978.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 78-1122 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No.50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Provisional Operating License No. DPR-13, issued to Southern California Edison Co. and San Diego Gas and Electric Co. (the licensee), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SO-1) located in San Diego County, Calif. The amendment is effective as of its date of issuance.

On October 6, 1977, the Commission issued an Order for Modification of License which required the licensee to reevaluate past eddy current test data on steam generator tube degradation, imposed a limitation on primary-to-secondary leakage and required that SO-1 be brought to cold shutdown condition after two and one-half equivalent months of operation unless otherwise authorized by the NRC. This amendment incorporates provisions in the Technical Specifications relating to reactor coolant and secondary coolant activity, for assurance of acceptable consequences in the event of a steam line or steam generator tube failure. The amendment also adds license conditions for other steam generator inspections. Concurrently, the amendment authorizes operation of San Onofre, Unit 1 to continue beyond December 20, 1977.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 30, 1977 and December 7, 1977, and submittals dated November 18, 1977 and December 5, 1977, (2) Amendment No. 29 to License No. DPR-13, (3) the Commission's Order for Modification of License dated October 6, 1977, and (4) the Commission's latter to the licensee dated December 20, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1121 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM; WPPSS NUCLEAR PROJECT NO. 4

Issuance of Amendment to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Washington Public Power Supply System to conduct certain site activities in connection with the WPPSS Nuclear Project No. 4 prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization was published in the FEDERAL REGISTER on August 11, 1975 (40 FR 3374).

Since that time, the Director of Nuclear Reactor Regulation has determined that additional activities may be authorized under the Limited Work Authorization. The additional activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include construction (above grade) of the cooling towers and installation of the reactor coolant bleed hold-up tanks, reactor distillate storage tanks, and the laundry and hot shower drain tank.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Washington Public Power Supply System and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders of the Commission promulgated pursuant thereto.

A copy of (1) the Atomic Safety and Licensing Board (Board) Partial Initial Decision dated July 30, 1975, and the Board's Order of September 30, 1975; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated March 1975; and (5) the Commission's letters of authorization dated August 1, 1975, October 3, 1975, March 28, 1977, and January 6, 1978, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. The Final Environmental Statement (Document No. NUREG-75/012) may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 6th day of January 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-1123 Filed 1-13-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co. which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment will become effective as of January 1, 1978.

The amendment revises the Technical Specifications to modify heatup and cooldown pressure-temperature limitations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 8, 1977, (2) Amendment No. 17 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 14th day of December 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-1124 Filed 1-13-78; 8:45 am]

[7590-01]

EUROPEAN ATOMIC ENERGY COMMUNITY

Solicitation of Public Comments; Correction

In FR Doc. 77-36919 appearing at page 64938 in the FEDERAL REGISTER of Thursday, December 29, 1977, the following correction should be made: The word "high" before "enriched uranium" in the first paragraph of the notice should be corrected to read "low".

Dated at Washington, D.C. this 11th day of January, 1978.

For the Commission.

SAMAUEL J. CHILK,
Secretary.

[FR Doc. 78-1207 Filed 1-13-78; 8:45 am]

[7590-01]

AMERICAN NATIONAL STANDARDS INSTITUTE, DRAFT ANSI STANDARD N18.10, "GENERIC REQUIREMENTS FOR LIGHT WATER NUCLEAR POWERPLANT FIRE PROTECTION"

Public Meeting

The Nuclear Regulatory Commission staff will meet publicly with representatives of the ANSI-N18.10 Work Group to discuss staff comments on the Draft ANSI Standard N18.10, "Generic Requirements for Light Water Nuclear Powerplant Fire Protection."

The meeting will be held on January 26, 1978, in Room 6507 of the Commission's offices at 7735 Old Georgetown Road, Bethesda, Md., beginning at 9 a.m.

Interested persons are invited to attend. Persons desiring additional information regarding the meeting should contact Mr. Eugene V. Imbro, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5420.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-1206 Filed 1-13-78; 8:45 am]

[7910-01]

RENEGOTIATION BOARD

ADMINISTRATIVE LETTER NO. 75-15

Revocation

At its meeting of December 15, 1977, the Renegotiation Board revoked Administrative Letter No. 75-15: Segmentation Analysis, dated November 17, 1975. In a separate action published in the FEDERAL REGISTER today, the Board is proposing regulations on Analysis of Renegotiable Business by Segments.

Dated: January 10, 1978.

GOODWIN CHASE,
Chairman.

[FR Doc. 78-1040 Filed 1-13-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 03/04-0096]

FIRST WASHINGTON CAPITAL CORP.

Proposed Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1977)), under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) for the transfer of control of First Washington Capital Corp. (FWCC), 7735 Old Georgetown Road, Bethesda, Md. 20014.

FWCC was licensed on April 23, 1964, with paid-in capital of $165,000. In 1969, the Licensee entered into a voluntary settlement agreement to repay its indebtedness to SBA. At that time, its obligation to SBA was $289,840 and has since been reduced to $41,508 plus accrued interest. Currently, there are 31,730 shares issued and outstanding which are held by 13 shareholders. Of this amount, 19,920 shares are owned by the President and 11,810 shares are owned by 12 other shareholders.

Under the proposal for the transfer of control the President, Mr. Gus Levathes will surrender 9,920 shares to FWCC to be held as treasury stock and place 7,500 shares in escrow which would be released to Mr. Levathes at the rate of 200 shares per month, as long as he is employed by the Licensee. The remaining 11,810 shares outstanding will be purchased by Mr. Richard E. Binet, Jr. for $10,000.

The proposed officers and directors of the applicant are as follows:

Chairman of the board, treasurer & secretary, Richard E. Binet, Jr., 148 Nancy Lane, St. Joseph, Ill. 61873.

President & ass't secretary & director, Gus Levathes, 5316 Moorland Lane, Bethesda, Md. 20014.

Director, Stanley R. Jacobs, 12014 Devilwood Drive, Potomac, Md. 20854.

The applicant proposes to increase the private capital of the Licensee by the sale of 50,000 shares at $10.00 per share through a private placement, a portion of which will be used to repay SBA, and ultimately sell an additional 450,000 shares to private and institutional investors. Those participating in the initial sale of the $10 par value stock are:

[1]R. E. Binet Company, No. 1 Tahoe Place, Rantoul, Ill. 61866, 7,800 shares.

[2]The Elgin National Bank, 24 East Chicago Street, Elgin, Ill. 61020, 18,700 shares.

[3]Edwardsville National Bank & Trust Co., 100 St. Louis Street, Edwardsville, Ill. 62025, 23,500 shares.

The proposed transfer of control is subject to and contingent upon the approval of SBA.

Matters involved in SBA's consideration of the application include the

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[1]Mr. Binet is President of this company.

[2]Mr. Binet is a member of the Board of Directors and holder of 10 or more percent of the stock.

Mr. Binet, through his ownership of stock and a member of the Board of Directors of the subscribing banks will also represent their (Bank) interest on the Licensee's Board of Directors.

general business reputation and character of the proposed owner and management and the profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than January 31, 1978, submit to SBA in writing, comments on the proposed transfer of control. Any such communications should be addressed to the Deputy Associate Administrator for Investment, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Bethesda, Md., and the cities of Elgin and Edwardsville Ill.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 9, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-1071 Filed 1-13-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1411 Amdt. No. 1]

WASHINGTON

Declaration of Disaster Loan Area

The above numbered declaration (See 42 FR 64657) is amended in accordance with the President's declaration of December 10, 1977 to include the City of Richland (located in Benton County), the City of Benton, and the Counties of Clark, Garfield, Pacific, Skamania, Thurston, Wahkiakum and Whatcom, and adjacent counties within the State of Washington, and extends the time for filing applications for physical damage until close of business on February 20, 1978, and for economic injury until close of business on September 20, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 30, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-1072 Filed 1-13-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.7, Amendment No. 1]

MISSION DIRECTOR, USAID/AFGHANISTAN

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. 99.1.7 dated September 28, 1973 (38 FR 27628) 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. "or 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: January 4, 1978.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc. 78-1081 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.67, Amdt. No. 1]

AID REPRESENTATIVE, U.S. EMBASSY TO THE SYRIAN ARAB REPUBLIC

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. 99.1.67 dated February 21, 1975 (38 FR 27628) 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: January 4, 1978.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc. 78-1083 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.26, Amdt. No. 1]

MISSION DIRECTOR, USAID/TUNISIA

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. 99.1.26 dated September 21, 1973 (38 FR 27628) 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: January 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-1084 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.51, Amdt. No. 1]

AID REPRESENTATIVE, U.S. EMBASSY TO JORDAN

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. 99.1.51 dated September 21, 1973 (38 FR 27628) as follows:

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: January 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-1085 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.53, Amdt. No. 1]

MISSION DIRECTOR, USAID/MOROCCO

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. 99.1.53 dated September 21, 1973 (38 FR 27628) as follows:

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: January 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-1087 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.83, Amd. No. 1]

MISSION DIRECTOR, USAID/EGYPT

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. 99.1.83 dated January 26, 1977 (38 FR 27628) as follows:

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 $100,000 or local currency equivalent."

(c) Subhead (2) is deleted in its entirety.

(d) Subhead (3) is renumbered (2) and 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 second paragraph is hereby amended to reflect the following changes:

(a) Subhead (1) is revised to delete "$25,000" and substitute "$50,000" in lieu thereof.

(b) Subhead (2) is revised to delete "$25,000" and substitute "$50,000" in lieu thereof.

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: January 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-1088 Filed 1-13-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.70, Amdt. No. 1]

MISSION DIRECTOR, USAID/YEMEN ARAB REPUBLIC

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 As-

sistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.70 dated April 30, 1975 (38 FR 27628) 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. "or 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: January 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-1089 Filed 1-13-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-247]

RULES OF THE ROAD ADVISORY COMMITTEE

Notice of 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 Rules of the Road Advisory Committee to be held Wednesday and Thursday, February 15-16, 1978, beginning at 9 a.m. each day in the French Room of the International Hotel, 300 Canal Street, New Orleans, La.

The agenda for the meeting is as follows:

1. Welcome.
2. Adoption of agenda.
3. Adoption of the minutes of the June 8-9, 1977, meeting.
4. Consideration of proposed Coast Guard amendments to the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to be presented to the July 1978 meeting of the Intergovernmental Maritime Consultative Organization's Subcommittee on the Safety of Navigation in London.
5. Consideration of the draft rules for U.S. waters being developed to unify the present Inland, Western Rivers, Great Lakes and Pilot Rules.
6. Consideration of lighting requirements for small craft under the 72 COLREGS being developed by the Coast Guard.
7. Consideration of the use of strobe lights for navigational purposes.
8. Any other business.

Attendance is open to the public. 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 Captain R. A. Bauman, Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G-WLE-4/73), U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4958, not later than the day before the meeting. Information about the meeting may be obtained from the above address. A member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard;
Chief, Office of Marine Environment and Systems.

JANUARY 9, 1978.

[FR Doc. 78-1097 Filed 1-13-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 78-19]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Certain Plastic Tray Units and Plastic Pad Units Used for Transportation of Bobbins Containing Nylon

JANUARY 11, 1978.

It has been established that plastic pad units, composed of plastic pads and reusable plastic strips to secure the pads, and plastic tray units, composed of plastic trays and a tray pack shroud for securing trays to wooden pallet, in various sizes ranging from 20 inches by 21½ inches to 36 inches by 48 inches, and used for the transportation of bobbins containing Nylon, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic. The trays and pads are permanently marked with the word "Du Pont" and other identifying marks.

Under the authority of § 10.41(a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), I hereby designate the above described plastic pad units and plastic tray units as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These articles may be released under the procedures set forth in § 10.41a, Customs Regulations (19 CFR 10.41a) (103073) (BOR-7-07).

J. P. TEBEAU,
Director, Carriers, Drawback and Bonds Division.

[FR Doc. 78-1175 Filed 1-13-78; 8:45 am]

[4830-01]

Internal Revenue Service

[Delegation Order No. 106 (Rev. 2)]

DIRECTOR, FACILITIES MANAGEMENT DIVISION, ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: Delegates authority to responsible officials of Internal Revenue Service to procure property and services consistent with title III of the Federal Property and Administrative Services Act of 1949 (Act), as amended (41 U.S.C. 251-260), except as precluded by section 307 (41 U.S.C. 257) of the Act. The authority delegated to these responsible officials may be redelegated to qualified subordinate officers or employees. The text of the delegation order appears below.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas R. Blankenship, 1111 Constitution Avenue NW., Room 1320, Washington, D.C. 20224, 202-566-2604 (not toll free).

LEO C. INGLESBY,
Director, Facilities Management Division.

Date of issue: January 12, 1978.

Effective Date: February 13, 1978.

USE OF TITLE III OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, as Amended, When Procuring Property and Nonpersonal Services

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 208-1, and subject to the limitations contained therein, the following officials are hereby delegated authority to procure property and services consistent with title III of the Federal Property and Administrative Services Act of 1949, as amended, (41 U.S.C. 251-260) except as precluded by section 307 (41 U.S.C. 257) of the Act:

(a) Director, Facilities Management Division, and Chief, Contract and Procurement Section, National Office.

(b) Regional Commissioner, all Regions, and Chief, Facilities Management Branch, all Regions. The Regional authority for procurement of automatic data processing equipment (ADPE) is limited to the issuance of delivery orders against IRS National Office contracts and General Services Administration contracts entered into solely for the use of IRS, and subject to the terms, conditions, and maximum order limitations of the applicable contract, for lease or maintenance of installed equipment. Regional Commissioners may redelegate the authority to District Directors and Service Center Directors for open-market purchases not to exceed $10,000; for execution of delivery orders for automatic data processing equipment within the limitations described above; and for execution of delivery orders for all other property and services, against Federal Supply Schedule Contracts, Department of the Treasury and other Federal agency contracts, subject to the terms, conditions and maximum order limitations of the applicable contracts.

(c) Director, National Computer Center, and Director, Data Center, for open-market purchases not to exceed $10,000.00. This authority also allows the execution of delivery orders against Federal Supply Schedule Contracts, Department of the Treasury and other Federal agency contracts, subject to the terms, conditions, and maximum order limitations of the applicable contract, but does not include the procurement by either purchase or lease, of automatic data processing equipment, maintenance, and software.

The authority herein delegated to the above designated officials, and any procurement authority redelegated to District Directors and Service Center Directors, may be redelegated only to those Grade GS-7 or above employees under their control and supervision who, by virtue of experience, specialized training and knowledge of applicable laws, Executive Orders and regulations, are qualified to act as contracting officers for the United States. This authority may not be further redelegated. Redelegation of this authority shall be made by letter to procurement personnel who have been duly designated to act as a Contracting Officer for the United States. All letters of redelegation shall specifically set forth the extent of authority redelegated and/or limitations imposed under the redelegation. This delegated authority shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 304 and 307; the Federal Procurement Regulations (FPR), 41 CFR Chapter 1; the applicable portions of the Federal Property Management Regulations (FPMR), 41 CFR Chapter 101; as well as regulations and directives issued by the Department of the Treasury which implement and supplement the FPR and FPMR, including but not limited to 41 CFR, Chapter 10 and Treasury Directives Manual, Chapter 70-06, "Treasury Procurement Regulations."

This Order supersedes Delegation Order No. 106 (Rev. 1), issued September 1, 1972.

Date of issue: January 12, 1978.

WILLIAM E. WILLIAMS
Acting Commissioner.

JANUARY 5, 1978.

[FR Doc. 78-1171 Filed 1-13-78; 8:45 am]

[4810-22]

Office of the Secretary

ANTIDUMPING; POLYVINYL CHLORIDE SHEET AND FILM FROM REPUBLIC OF CHINA

Determination of Sales at Less than Fair Value; Exclusion From and Final Discontinuance of Antidumping Investigation

AGENCY: U.S. Treasury Department.

ACTION: Determination of sales at less than fair value; exclusion from, and final discontinuance of antidumping investigation.

SUMMARY: This notice is to advise the public that an antidumpting investigation has resulted in a determination that certain polyvinyl chloride sheet and film from the Republic of China is being sold at less than fair value. Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. This case is being referred to the United States International Trade Commission for a determination whether such sales have caused or are likely to cause injury to an industry in the United States.

EFFECTIVE DATE: January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman or Richard Rimlinger, Operations Officers, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On February 24, 1977, information was received in proper form pursuant to §§153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.37), from counsel acting on behalf of Plastic Imports Action Committee (PIAC), alleging that polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the act"). The PIAC is an ad hoc group consisting of the following United States producers of the subject merchandise: The Goodyear Tire and Rubber Co.; Harte and Co., Inc., a subsidiary of the Diamond Shamrock Corp.; Tenneco Chemicals, Inc., a subsidiary of Tenneco; Pantasote Co. of New York, Inc.; W. R. Grace and Co., Hatco Plastics Division; and Hooker Chemicals and Plastic Corp., Ruco Division. An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 1, 1977 (42 FR 17558). A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of October 6, 1977 (42 FR 54490).

For purposes of this notice, the term "polyvinyl chloride sheet and film" means unsupported flexible, calendered polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness. This product, which is classifiable under item number 771.42 of the Tariff Schedules of the United States, is currently eligible for duty-free treatment under the Generalized System of Preferences of the Trade Act of 1974.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the investigation conducted by the Customs Service and for the reasons noted below, I hereby determine that polyvinyl chloride sheet and film from the Republic of China, other than that produced by Ocean Plastics Co., Ltd., and China Gulf Plastics Corp., are being sold at less than fair value within the meaning of section 201(a) of the act (19 U.S.C. 160(a)). In the case of polyvinyl chloride sheet and film from the Republic of China produced by Ocean Plastics, I hereby exclude such merchandise from this determination. In the case of such merchandise produced by China Gulf, I hereby discontinue the antidumping investigation.

a. *Scope of the investigation.* Over 90 percent of the imports of the subject merchandise from the Republic of China is sold for export to the United States by Nan Ya Plastics (Nan Ya), China Gulf Plastics Corp. (China Gulf), Cathay Plastic Industry Ltd. (Cathay Plastic), and Ocean Plastics Co., Ltd. (Ocean Plastics), all of Taipei, Republic of China. The investigation therefore was limited to sales by these four exporters.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise on all sales by China Gulf, Cathay Plastic, and Ocean Plastics, and between purchase price or exporter's sales price and the home market price of such or similar merchandise on sales made by Nan Ya. Purchase price as defined in section 203 of the

act (19 U.S.C. 162), was used for three manufacturers since all export sales by those three companies were made to nonrelated customers in the United States. Exporter's sales price as defined in section 204 of the act (19 U.S.C. 163) was used for those sales in which a related importer acted as the seller of the merchandise.

Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold by the manufacturers in the home market in sufficient quantities to provide a basis for fair value comparisons.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning exports and home market sales during the period October 1, 1976, through March 31, 1977.

c. *Purchase price.* For purposes of this determination, purchase price has been calculated on the basis of the c.i.f. U.S. port, C&F U.S. port, or f.o.b. foreign port price to the unrelated United States purchaser, with deductions for ocean freight, insurance, selling commission and inland freight, as appropriate.

Additions were made, where appropraite, for the amount of the commodity, business, education, and stamp taxes incurred with respect to home market sales but rebated, or not collected, upon exportation. Additionally, Chinese harbor dues and customs duties on imported raw materials rebated upon exportation were added where appropriate.

d. *Exporter's sales price.* For purposes of this determination, exporter's sales price has been calculated on the basis of the c.i.f. U.S. port price to unrelated United States customers, with deductions for credit expenses incurred on sales to the United States, selling commissions where appropriate, Chinese inland freight, ocean freight, marine insurance, brokerage, and expenses incurred in selling the merchandise to the United States.

Additions were made, where appropriate, for the amount of the commodity, buisiness, education, and stamp taxes incurred with respect to home market sales but rebated, or not collected, upon exportation. Additionally, Chinese harbor dues and customs duties on imported raw materials rebated upon exportation were added.

e. *Home market price.* For purposes of this determination, the home market price has been calculated on the basis of the weighted-average, delivered packed price to unrelated purchasers with deductions for inland freight, differences in payment terms, differences is packing costs, quantity discounts (for Nan Ya and China Gulf only), prompt payment discounts (for Nan Ya and China Gulf only), differences in returns and allowances on defective merchandise, a partial offset to U.S. selling expenses deducted from exporter's sales price (for certain sales by Nan Ya only), and an offset to U.S. selling commission (for certain sales by China Gulf).

Additions were made for the following costs associated with export sales: export license fees, currency exchange costs, postage charges and a contribution to an export-promotion fund.

Deductions claimed for the following adjustments to home market price were not allowed: smaller order size, bad debts, distributor discounts, a greater offset to U.S. selling expenses deducted from exporter's sales price, and technical assistance (for Cathay Plastic only).

Smaller order size adjustments were not allowed because it has not been established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to differences in the costs of production stemming from differences in order sizes. Claims for distributor discounts were not allowed on home market sales by Nan Ya, China Gulf, and Ocean Plastics because evidence indicated that all three firms sold to end-users in the United States and because sales to both distributors and end users in the home market were generally made at the same initial price. Accordingly, to have allowed the claim for distributor discounts would have resulted in comparisions at different levels of trade.

Claims for technical assistance and bad debts were not supported by adequate factual data and evidence. The claim for a greater offset for selling and administrative expenses deducted in the calculation of exporter's sales price was not allowed because certain selling and administrative expenses claimed in the home market could not be allocated either to the product or to the applicable market.

f. *Result of fair value comparisons.* Using the above criteria, the purchase price and exporter's sales price were found to be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 80 percent of the total sales of the subject merchandise to the United States by all manufacturers investigated for the period under investigation. Margins were found ranging from 2.1 to 46.7 percent on sale made by Nan Ya on 36.2 percent of the sales compared, from 2.1 to 40.1 percent on sales made by Cathay Plastic on 97.7 percent of the sales compared, from 0.12 to 11.5 percent on sales made by China Gulf on 10.8 percent of the sales compared, and from 0.9 to 1.4 percent on sales made by Ocean Plastics on 3.8 percent of the sales compared. Weighted-average margins of each firm's sales compared were 4.4 percent for Nan Ya, 10.7 percent for Cathay Plastic, 0.22 percent for China Gulf, and 0.04 percent for Ocean Plastics.

In the case of Ocean Plastics, the weighted-average margin is considered to be de minimis.

In the case of China Gulf, the weighted-average margin is considered to be minimal in relation to the total volume of sales. In addition, formal assurances have been received from that producer that it would make no future sales at less than fair value within the meaning of the act.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

The U.S. International Trade Commission is being advised of this determination.

The order issued October 6, 1977, to withhold appraisement on the subject merchandise from the Republic of China, the notice of which is cited above, is hereby terminated with respect to China Gulf and Ocean Plastics, effective upon publication of this notice.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 10, 1978.

[FR Doc. 78-1036 Filed 1-13-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB-37 and AB-7 (Sub-Nos. 5 and 30)]

OREGON-WASHINGTON RAILROAD & NAVIGATION CO. AND CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.—ABANDONMENT OF LINE—AND ABANDONMENT OF OPERATIONS—JOINTLY BY UNION PACIFIC RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. BETWEEN SOUTH MONTESANO AND MONTESANO IN GRAYS HARBOR COUNTY, WASH.

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 November 14, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. (1977), the present and future public convenience and necessity permit the abandonment by the Oregon-Washington Railroad and

Navigation Co. and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. of the line of railroad extending between milepost 0.0 near South Montesano and milepost 1.60 at Montesano, a distance of 1.6 miles, in Grays Harbor County, Wash., and Milwaukee and the Union Pacific Railroad Co. seek authority to abandon operations over the same line. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Co. and Chicago, Milwaukee, St. Paul and Pacific Railroad Co. based on the above described finding of abandonment, January 31, 1978, 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.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1129 Filed 1-13-78; 8:45 am]

[7035-01]

[Finance Docket No. 28499 (Sub-No. 1)]

NORFOLK & WESTERN RAILROAD CO. AND BALTIMORE & OHIO RAILROAD CO.—CONTROL—DETROIT, TOLEDO & IRONTON RAILROAD CO.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of informal meeting.

SUMMARY: Public notice regarding the above-entitled proceeding.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, Assistant Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

SUPPLEMENTARY INFORMATION: On January 16, 1978, at 1 p.m., Commission staff personnel and representatives of applicants and Grand Trunk Western Railroad will hold an informal meeting at the Commission's offices in Washington, D.C. The purpose of the meeting is to discuss information needs of Grand Trunk if it decides to file an inconsistent application or a petition for inclusion.

Please note that this will not be a meeting to discuss the merger procedures or the proceeding itself. It will be a meeting between applicants and Grand Trunk. No open discussion is contemplated.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-1128 Filed 1-13-78; 8:45 am]

[7035-01]

[Notice No. 281]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 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 February 15, 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 proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77265, filed December 19, 1977. Transferee: LONNIE BRAMLETTE, Jr., d.b.a. J&R TOWING, 12658 So. Winchester, Calumet Park, Ill. 60643. Transferor: Lee's Towing Service, Inc., 500 W. 35th Street, Chicago, Ill. 60616. Applicant's representative: Kenneth Franson, P.O. Box 187, Homewood, Ill. 60430. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 116906 (Sub-No. 1 and 3) issued January 19, 1970 and June 10, 1975 respectively as follows: Automobiles, trucks, truck tractors, and buses, for replacement purposes only, in wrecker type service only from Chicago, Ill. to points in Indiana, Michigan, Missouri, and Wisconsin and from points in those States to Chicago, Ill. when the vehicles noted above are disabled or wrecked, and tractors and trailers (to be used as a replacement for disabled vehicles) and disabled tractors, trucks, automobiles, buses, and trailers (other than those designed to be drawn by passenger automobiles) in wrecker type service between points in Illinois, Iowa, Indiana, Michigan, and Wisconsin (except points in Milwaukee County, Wis.). Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77395, filed November 8, 1977. Transferee: Darrell Eugene Rice, d.b.a. RICE TRUCKING, Route 1, Box 164 (Panorama Point Road), Cottonwood, Calif. 96022. Transferor: Marion L. Pond, d.b.a. Pond Trucking, 1710 West Eighth Street, Long Beach, Calif. 90813. Applicant's representative: R. Y. Schureman, Esq., 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 142184 (Sub-No. 2) issued June 6, 1977 as follows: Wooden utility poles, crossarms, and crossarm affixtures from the facilities of J. H. Baxter & Co. near Long Beach, Redding, and Weed, Calif. to points in Arizona and return. Transferee holds no

Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77452, filed December 8, 1977. Transferee: VAN ZEE EXPRESS, LTD., a corporation, Box 125, West Highway 10, Orange City, Iowa 51041. Transferor: William Ball, d.b.a. Bill Ball Trucking, 131 West 18th Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Nancy R. Beiter, 910 17th Street NW., Suite 828, Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Permit No. MC-140277 (Sub-No. 1, 3, 4, 6, and 8) issued July 22, 1975; January 14, 1976; February 20, 1976; December 6, 1976; and August 22, 1977 respectively as follows: Commodity bags, envelopes, packets, pouches, and wrappers from the facilities of American Western Corp. at or near Sioux Falls, S. Dak. and Placentia, Calif. to points in Arkansas, California, Colorado, Idaho, Louisiana, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Texas, and Washington. Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC-FC-77486, filed December 31, 1977. Transferee: X-TRAN CORP., 75-11 Ditmars Blvd., Jackson Heights, N.Y. 11370. Transferor: Jersey Coast Freight Lines, Inc., 830 Old Corlies Avenue, Nepturne, N.J. 07753. Applicant's representatives: Edward M. Alfano and Roy A. Jacobs, Attorneys at Law, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificates No. MC-107417 and (Sub-No. 6), issued September 13, 1950, and December 14, 1965, respectively, as follows: *General commodities,* except those of unusual value, and except dangerous explosives, households goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points and places in Mercer, Monmouth, Ocean, Atlantic, Camden and Burlington Counties, and those in Middlesex and Somerset Counties, N.J., south of the Raritan River. *Petroleum* and *petroleum products,* in tank vehicles, from Carteret, N.J., to Port Jervis, N.Y., with no transportation for compensation on return. *General commodities,* except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and commodities in bulk, between points and places in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points and places in Middlesex, Monmouth, Atlantic, and Ocean Counties, N.J. *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in Cape May, Cumberland, Gloucester, and Salem Counties, N.J., with no transportation for compensation on return except as otherwise authorized. 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. 78-1130 Filed 1-13-78; 8:45 am]

[7035-01]

[Notice No. 4TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

January 10, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 9291 (Sub-No. 4TA), filed December 19, 1977. Applicant: CARROL BALL, 312 East Market, Box 53, Centerville, Kans. 66014. Applicant's representative: Clyde N. Chiistey, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the plantsite and/or storage facilities of Brown-Strauss Corp., a division of Azcon, located at or near Kansas City, Kans., to points in Colorado east of the Continental Divide, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: Brown-Strauss Corp., a Division of Azcon, 14th & Osage Avenue, Kansas City, Kans. 66105. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building & U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

NO. MC 19311 (Sub-No. 38TA), filed December 19, 1977. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48033. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Dow Chemical U.S.A., an operating division of the Dow Chemical Co., at Ludington, Mich., as an off-route point in connection with otherwise authorized service. Proposed authority will be tacked with existing regular routes to perform direct service from Ludington to Detroit. Containers will be delivered to water carriers at Detroit for movement to Europe or to rail carriers at Detroit for movement to the east coast and thence by water to Europe. Applicant has extensive regular route operations under MC 19311 including regular routes, from Muskegon, Mich., to Detroit, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A., An Operating Division of the Dow Chemical Co., 14955 Sprague Road, P.O. Box 36000, Strongsville, Ohio 44136. (Edward G. Huller, Supervisor, International Operations). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal

Building & U.S. Courthouse, 231 West Lafayette Blvd., Detroit, Mich. 48226.

NO. MC 29910 (Sub-No. 181TA), filed December 15, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, Ark. 72901. Applicant's representative: Robert R. Durden, 301 South Eleventh Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials*, from the plantsite of Arkansas Log Homes, Inc., located in Polk County, Ark., to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Log Homes, Inc., P.O. Box 959, Mena, Ark. 71953. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 37490 (Sub-No. 6TA) (correction), filed October 5, 1977, published in the FEDERAL REGISTER issue of November 11, 1977, and republished as corrected this issue. Applicant: DUNCAN TRUCK SERVICE, INC., 100 East Park, Flandreau, S. Dak. 57028. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation material, bagged cellulose fiber*, and (2) *scrap paper and materials* used in the manfacturing of this product from the plantsite and/or storage facilities of J. J. Garcon Manufacturing Co., Inc., located at Flandreau, S. Dak., to points within the States of Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin; and (2) from points within the States of Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin, to the plantsite of J. J. Garcon Manufacturing Co., Inc., at Flandreau, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): J. J. Garcon Manufacturing Co., Inc., Box 112, Flandreau, S. Dak. 57028; John Hertzfeld, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501. The purpose of this republication is to indicate the correct spelling of J. J. Garcon Manufacturing Co., Inc., in lieu of J. J. Carbon Manufacturing Co., Inc., which was previously published in the November 11, 1977, FEDERAL REGISTER, in error.

No. MC 50307 (Sub-No. 92TA), filed December 14, 1977. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, materials, supplies, and equipment*, used in the manufacture thereof, between points in New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, Cleveland, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately six statements of support attached to the application, which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 55896 (Sub-No. 60TA), filed December 21, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body insulation* having a density of less than 4 pounds per square foot, from Herrin, Ill. to Bryan, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bryan Custom Plastics Division of United Screw & Bolt Corp., P.O. Box 568, Bryan, Ohio 43506 (Bard Ell, Customer Service Manager). Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 66886 (Sub-No. 61TA), filed December 7, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, from the facilities utilized by Johns-Manville Sales Corp. at or near Natchez, Miss., to points in Texas, Oklahoma, and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johns-Manville Sales Corp., Ken-Caryl Ranch, Denver, Colo. 80217. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115841 (Sub-No. 573TA) (correction), filed November 16, 1977, published in the FEDERAL REGISTER issue of December 14, 1977, and republished as corrected this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: Chester G. Groebel, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantside 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 traffic originating at the above-named origin point and destined to the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add the State of Mississippi, in lieu of Missouri, which was previously published in error.

No. MC 118989 (Sub-No. 171TA), filed December 21, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Rolland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap cleaning compound and toilet preparations* (except in bulk), from Kansas to Sioux Falls, S. Dak., and St. Paul, Minn., for 180 days. Supporting shipper(s): Colgate Palmolive Co., 1805 Kansas Avenue, Kansas City, Kans. 66105 (Ralph Stingo). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119789 (Sub-No. 386TA) (correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas,

Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Milford, Conn., to Milwaukie, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Co., Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to indicate the county of New Milford, Conn., in lieu of Milford, Conn., which was previously published in error before.

No. MC 124230 (Sub-No. 33TA), filed December 21, 1977. Applicant: C.B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1660 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, in dump vehicles, from points in Pima and Yavapai Counties, Ariz., to points in Valencia County, N. Mex., located north of U.S. Highway 66 (Interstate 40), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): UOCO, Inc., a Utah corporation, 304 First Security Building, Salt Lake City, Utah, 84111. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 125708 (Sub-No. 143TA), filed December 21, 1977. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 West 152d Street, East Chicago, Ind. 46312. Applicant's representative: Thomas P. Cullen, 109 Velma, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from the plantsite of Beall Manufacturing, Division Balen at or near Cordele, Ga., to points in the United States (except Alaska and Hawaii), and (2) *steel*, from points in the United States (except Alaska and Hawaii), to the plantsite of Beall Manufacturing, Division Balen at or near Cordele, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beall Manufacturing, P.O. Box 70, East Alton, Ill. Send protests to: Beverly J. Williams Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 127187 (Sub-No. 31TA), filed December 20, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1637, Fargo N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Mason City, Iowa, to points in Minnesota and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Lakes, Agricultural Services Division, 2827 8th Avenue South, Fort Dodge, Iowa 50501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2d Avenue North, Fargo, N. Dak. 58102.

No. MC 134477 (Sub-No. 206TA), filed December 23, 1977. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, Minn. 55165. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority requested is to operate as a *common carrier*, over irregular routes, in the transportation of: 1. *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak. 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; and 2. 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 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 135082 (Sub-No. 61TA), filed December 16, 1977. Applicant: BURSCH TRUCKING INC., d.b.a. ROADRUNNER TRUCKING, INC., Box 26748, 415 Rankin Road, Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar heating plants, parts, and accessories thereto*, restricted against articles requiring special equipment, from Alamosa, Colo., to all points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Endless Solar Energy, Inc., 6678 Commanche, Alamosa, Colo. 81101. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136711 (Sub-No. 31TA), filed December 21, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 South High Street, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry rendered tankage*, from Laketon and Wichita Falls, Tex., to the facilities of Broadway Exchange at Henryetta, Okla., and (2) *meat meal and bone meal*, from the facilities of Broadway Exchange at Henryetta, Okla., to Danville, Fort Smith, and Springdale, Ark., Girard, Kans., Southwest City, Mo., Dallas, Houston, Pampa, and Wichita Falls, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Broadway Exchange, P.O. Box 555, Henryetta, Okla. 74437. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 NW. 3rd, Oklahoma City, Okla. 73102.

No. MC 136774 (Sub-No. 9TA), filed December 21, 1977. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, Wis. 53586. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., in Chicago, Ill., to points in Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Madison, Wis. 53589.

No. MC 138073 (Sub-No. 3TA), filed December 9, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in (1) Niagara, Erie, Chautauqua, Orleans, Genesee, Wyoming, Cattaraugus, Monroe, Livingston, Allegany, Wayne, Ontario, Stueben, Cayuga, Seneca, Yates, Schuyler, Chemung, Oswego, Onondaga, Cartland, Tompkins, Tioga, and Broome Counties, N.Y., and (2) Erie, Crawford, Mercer, and Venango Counties, Pa., and (3) Geauga, Ashtabula, Trumbull, Portage, Mahoning, Cayahoga, and Lake Counties, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 138157 (Sub-No. 50TA) (correction), filed November 22, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Partick E. Quinn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, phonographs, record players, tape recorders, separate or combined, sewing machines and sewing machine cabinets, loudspeakers* (dynamic or electro-magnetic), *TV games, stands, and parts thereof*, from the facilities of Morse Electro Products Corp., at Brooklyn, N.Y., restricted to traffic originating at and destined to the facilities of Morse Electro Products at Doraville, Ga., for 180 days. Supporting shipper(s): Morse Electro Products Corp., 101-10 Foster Avenue, Brooklyn, N.Y. 11236. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add Brooklyn, N.Y., as a destination point.

No. MC 138256 (Sub-No. 7TA), filed December 15, 1977, Applicant: INTERIOR TRANSPORT, INC., 2141 Waterworks Way, P.O. Box 3347, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers, knocked down and set up, and boat trailer parts and related accessories*, from points in Illinois, Indiana, Iowa, Maryland, Michigan, Ohio, Wisconsin, Minnesota and Washington, to E-Z Loader facilities in Washington, California, Illinois, New York, Maryland, Kansas, and Florida, under a continuing contract, or contracts, with E-Z Loader Trailer Co., for 180 days. Supporting shipper(s): E-Z Loader Trailer Co., North 717 Hamilton, Spokane, Wash. 99220. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 138413 (Sub-No. 9TA), filed December 21, 1977. Applicant: JOHN TOWNROW, d.b.a. JOHN TOWNROW TRUCKING, 4290 Elton Street, Baldwin Park, Calif. 91706. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and electronic parts*, from Long Beach, Calif., to Amsterdam and Gloversville, N.Y., under a continuing contract, or contracts, with Coleco Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): (1) Coleco industries, Inc., 500 Park Street, Amsterdam, N.Y. 12010. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138875 (Sub-No. 68TA), filed December 21, 1977. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and materials and supplies* used in the installation thereof, from Camden, Ark., to Boise, Idaho, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Wholesale & Supply Corp., 2717 Fletcher Street, Boise, Idaho 83706. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 140635 (Sub-No. 6TA), filed December 15, 1977. Applicant: COATS FREIGHTLINES, INC., P.O. Box 415, 601-32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. 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 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Dubuque Packing Co., at or near Omaha, Nebr., to points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York and Pennsylvania, restricted to the transportation of shipments originating at the named plantsite and storage facilities and destined to the named destination States (except traffic moving in foreign commerce), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ralph McGee, Transportation Manager, Dubuque Packing Co., 4003 Dahlman Avenue, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC. 142573 (Sub-No. 2TA), filed December 19, 1977. Applicant: CRAIG JONES, d.b.a. CREW TRANSPORTERS, P.O. Box 2136, Garner Lake Route No. 94, Gillette, Wyo. 82716. Applicant's representative: Ward A. White, Guy, Williams & White, P.O. Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad employees and their baggage* in the same vehicles, between points and places in Campbell, Crook, Weston, Natrona, Converse, Platte and Goshen Counties, Wyo.; Lawrence, Pennington, Custer, and Fall River Counties, S. Dak.; and Sioux, Dawes, Box Butte, Sheridan, Grant, Hooker, Thomas,

Blaine, Custer, Sherman, Buffalo, Scottsbluff, Morrill, and Cheyenne Counties, Nebr., under a continuing contract, or contracts, with Burlington Northern, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Burlington Northern, Inc., P.O. Box 597, Alliance, Nebr. 69301. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Building and Courthouse, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 143264 (Sub-No. 3TA), filed December 21, 1977. Applicant: DAIRY LEASING SERVICE, INC., 803 Herring Avenue, Wilson, N.C. 27893. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottage cheese and cultured dairy products*, from Chambersburg, Pa., to points in Virginia, and Florida, and (b) *citrus juice*, from Lakeland and Bradenton, Fla., to points in Pennsylvania, Maryland, West Virginia, Virginia, and North Carolina, and (c) *dairy products, ice cream, frozen yogurt, ice milk, and frozen dessert novelties*, from Winston-Salem, N.C., to points in Florida, under a continuing contract, or contracts, with Kraft, Inc., Dairy Group, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kraft, Inc., Dairy Group, 2221 Patterson Avenue, P.O. Box 4151, Winston-Salem, N.C. 27105. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 144063 (Sub-No. 1TA), filed December 19, 1977. Applicant: McQUADE HEAVY HAULING, INC., Route 1, Sergeant Bluff, Iowa 51055. Applicant's representative: George L. Hirschbach, 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, road construction machinery and equipment, boilers, circuit breakers and switches; and commodities* which because of size or weight require the use of special equipment, (1) between points in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Missouri, and Kansas; and (2) from Sioux City, Iowa, to points and places in the United States (except Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 144097TA, filed December 15, 1977. Applicant: PATRICK D. BEAVER, d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, Maine 01915. Applicant's representative: Francis P. Barrett, Barrett and Barrett, 60 Adams Street, P.O. Box 238, Milton, Maine 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural wood, structural wood products, and commercial and fabricated metal hardware* when moving as a part of a shipment of structural wood or structural wood products, from North Billerica, Maine, to points in the United States in and east of Wisconsin, Illinois, Tennessee, Kentucky and Mississippi, under a continuing contract or contracts with Wood Fabricators, Inc., for 180 days. Supporting shipper(s): Wood Fabricators, Inc., Iron Horse Park, N. Billerica, Maine 01862. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 144105 (Sub-No. 1TA), filed December 21, 1977. Applicant: OVERLAND EXPRESS, INC., 6440 N. Broadway, P.O. Box 4138, Wichita, Kans. 67204. Applicant's representative: R. Edward Brausa, 900 O. W. Garvey Bldg., 200 W. Douglas, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients, sanitation and health commodities* used in raising animals and poultry, when in mixed loads with animal and poultry feeds, from Wichita, Kans., to all points and places within the States of Oklahoma, Texas, and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Cargill, Inc., P.O. 2696, Wichita, Kans. 67201. (2) Ralston-Purina Co., 835 S. 8th, St. Louis, Mo. 64501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-1132 Filed 1-13-78; 8:45 am]

[7035-01]

[Notice No. 3TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service comtemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2017 (Sub-No. 6TA), filed November 25, 1977. Applicant: ALTO'S EXPRESS, INC., 2301 Gary Road, Cinnaminson, N.J. Applicant's representative: Michael J. Wyngaard, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment and supplies* used or useful in the manufacture, sale, or distribution of foodstuffs (except in bulk, in tank vehicles), from Moosic, Pa. to New York City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mass Feeding Corp., 2241 Pratt Boulevard, Elk Grove Village, Ill. 60007. Send protests to: District Supervisor, Interstate Commerce

Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 12748 (Sub-No. 5TA), filed December 15, 1977. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 38, Winterville, Ga. 30685. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* from the plantsite of Kitchens of Sara Lee at New Hampton, Iowa to Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, Ga. 30309.

No. MC 24784 (Sub-No. 11TA), filed December 12, 1977. Applicant: BARRY, INC., 463 South Water Street, Olathe, Kans. 66061. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, Ten Main Center, Kansas City, Mo. 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vermiculite and cellulose products and manufacturing and application equipment*, and (2) *chemicals, paper, ore, manufacturing equipment, materials, and supplies* utilized in the manufacture of vermiculite and cellulose products, (1) from the plantsite and storage facilities of Diversified Insulation, Inc. at or near Wellsville, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and (2) from points in the States of Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota and Texas, to the plantsite of Diversified Insulation, Inc. at or near Wellsville, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Diversified Insulation, Inc., P.O. Box 582, Wellsville, Kans. 66092. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106

No. MC 25869 (Sub-No. 137TA), filed December 9, 1977. Applicant: NOLTE BROS. TRUCK LINE, INC., 4800 Colorado Boulevard, Denver, Colo. 80216. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or distributed by wholesale, retail, chain grocery, and food business houses (except commodities in bulk, in tank vehicles), from the plantsites and storage facilities used by Lever Bros. Co. within the Chicago commercial zone to Grand Island, Norfolk, and Lincoln, Nebr., and Denver, Colo., restricted to transportation of traffic originating at the named plantsites and storage facilities, for 180 days. Supporting shipper(s): Philip J. Lenza Manager-Central Region, Lever Bros. Co., Lever House, 390 Park Avenue, New York, N.Y. 10022. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 51146 (Sub-No. 551TA), filed December 12, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. transporting: *Canned goods*, from Paynette, Wis., to all points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oconomowoc Canning Co., P.O. Box 248, Oconomowoc, Wis. 53066. (Patrick F. Muller). Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 61825 (Sub-No. 73TA), filed December 15, 1977. Applicant: ROY STONE TRANSFER CORP., V.C. Drive, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: John D. Stone, P.O. Box 385, Collinsville, Va. 240

78. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, except in bulk, from St. Clair, Mich., to points in Connecticut and New Jersey and points in New York on, south and east of Highway 7 and points in Pennsylvania on and east of I-81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, Mich. 48079. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 67156 (Sub-No. 2TA), filed December 9, 1977. Applicant: CONTAINER TRANSPORT CO., 55 Francisco Street, San Francisco, Calif. 94133. Applicant's representative: Patrick W. Pollock, 55 Francisco Street, San Francisco, Calif. 94133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* via Piggyback Plan II½ or ocean carriage, in containers, from the plant of Pacific Paperboard Products, Inc., at Stockton, Calif., to Oakland and San Francisco, Calif., for subsequent transportation via Piggyback Plan II½ or ocean carriage, under a continuing contract, or contracts, with Pacific Paperboard Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pacific Paperboard Products, Inc., West Church Street, Stockton, Calif. 95203. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 82226 (Sub-No. 2TA), filed December 5, 1977. Applicant: CENTRAL MOVING & STORAGE CORP., 3526 West Kiehnau Avenue, Milwaukee, Wis. 53209. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage*, between Milwaukee, Wis., on the one hand, and, on the other, points in Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, Lacrosse, Lafayette, Landlane, Lincoln, Manitowoc, Marathon, Marquette, Menominee, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Trempeleau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and return of Government-owned containers, restricted to the transportation of shipments having a prior or subsequent movement beyond the above points, for 180 days. Supporting shipper(s): Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. (Dellon E. Coker.) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 94265 (Sub-No. 254TA), filed December 13, 1977. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Ap-

plicant's representative: Wilmer B. Hill, 666 11th Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board, pulp board and paper*, from the facilities of Union Camp Corp. at or near Franklin, Va., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia, West Virginia, Wisconsin, and Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Union Camp Corp., George L. Wright, Jr., Area Traffic Manager, Franklin, Va. 23851. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10-502, Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 94350 (Sub-No. 405TA), filed December 6, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except travel trailers, and camping trailers), in initial movements, and buildings, in sections, mounted on wheeled undercarriages, from Loveland, Colo., to points in Idaho, Kansas, Nebraska, South Dakota, and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Manufacturing Co., Inc., 999 Van Burean, Loveland, Colo. 80537. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 100449 (Sub-No. 79TA), filed December 6, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. 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: *Plastic sheets, moldings, and materials*, between Mansfield, Tex., on the one hand, and, Forest City and Britt, Iowa, and New London, Wis., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Paragon Plastics Co., 1500 Dallas Street, Mansfield, Tex. 76063. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 100449 (Sub-No. 80TA), filed December 12, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. 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: *Fresh meat suspended*, from Fargo, N. Dak., to Howard, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Flavorland Industries, Inc., P.O. Box 337, Fargo, N. Dak. 58078. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 913TA), filed December 6, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in secondary movements, in truckaway service, from the plantsites and storage facilities of Holiday Rambler Corp. in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Holiday Rambler Corp., 65528 State Road 29, Wakarusa, Ind. 46573. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 104149 (Sub-No. 198TA), filed November 25, 1977. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Jacksonville, Fla., and points within its commercial zone, to points in Ala., for 180 days. Supporting shipper(s): (1) Bama Beverage Co., Inc., P.O. Box 1601, Anniston, Ala. 36202. (2) Coosa Valley Budweiser Co., Inc., P.O. Box 1141, Sylacauga, Ala. 35150. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 106398 (Sub-No. 791TA), filed December 12, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Oka. 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and accessories*, from Jacksonville, Fla., to all points in Alabama, Georgia, Illinois, Indiana, Kansas, Maryland, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pan American Gyro-Tex, Inc., 520 Cedar Bay Road, Jacksonville, Fla. 32218. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 792TA), filed December 15, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Okla. 74101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts and materials, accessories and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Co. located at or near Annville, Pa. to points in Colorado, North Dakota, Oklahoma, and Texas, for 180 days. Supporting shipper: Butler Manufacturing Co., 1020 South Henderson Street, Galesburg, Ill. 61401. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office Building and Courthouse, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 107515 (Sub-No. 1117TA), filed December 12, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., 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, transporting: *Frozen foods*, from Bettendorf, Iowa, to points in the States of Indiana, Illinois, Kentucky, Michigan, Ohio, and that part of Pennsylvania, on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.) thence along U.S. Highway 552 to junction U.S. Highway 322 (near Lewiston, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania High-

way 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, N.Y. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 109397 (Sub-No. 378 TA), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, 3000 United Founders Boulevard, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive materials*, from Highland Mine near Douglas, Wyo., to Sequoyah facilities of Kerr McGee near Gore, Okla., for 180 days. Supporting shipper(s): Exxon Minerals Co., U.S.A., an operating division of Exxon Co., U.S.A., a division of Exxon Corp., P.O. Box 2180, Houston, Tex. 77001. Send protest to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110098 (Sub-No. 159TA), filed December 12, 1977. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, 1400 Ackerman Road, San Antonio, Tex, 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles, from the plant and warehouse facilities of Kraft, Inc., at or near Springfield, Mo., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commission, Room B-400 Federal Building, 727 East Durango, San Antonio, Tex. 78206.

No. MC 111729 (Sub-No. 722TA), filed December 15, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, Assistant Vice President, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, narcotics, pharmaceuticals, toiletries, sundries, proprietaries and other items related to drug stores and hospitals, restricted against the transportation of commodities in bulk*, between Nashville, Tenn., on the one hand, and, on the other, Addison, Arlington Heights, Chicago, Chicago Heights, Collinsville, Fairview Heights, Fern Park, Highland Park, Hinsdale, Lombard, Naperville, New Lenox, Palatine, Pedria, Quincy, Sycamore, Waukegan, Wheeling, and Wood River, Ill., for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tennessee Wholesale Drug Co., 160 2nd Avenue North, Nashville, Tenn. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113106 (Sub-No. 49 TA), filed December 9, 1977. Applicant: THE BLUE DIAMOND CO., 4401 E. Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Union Camp Corp., at Franklin, Va., to points in Maryland, New Jersey, Connecticut, Delaware, the District of Columbia and New York, N.Y., commercial zone, and Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: William F. Worrell, Manager, Traffic Analysis, Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07470. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 113410 (Sub-No. 96TA), filed December 13, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, Minn. 55055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Agrico Chemical Co., Box 3166, Tulsa, Okla. 74101. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 113651 (Sub-No. 245 TA), filed December 12, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 South LaSalle Street, Suite 1600, Chicage, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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); and (2) *foodstuffs*, from Madison, Wis., to points in Va., restricted to traffic originating at the plantsite and storage facilities of Oscar Mayer & Co., located at or near Madison, Wis., and destined to points in Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, Wis. 53707. Send protest to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 113908 (Sub-No. 423TA), filed December 7, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, wine and fruit juice concentrates*, in bulk, from Delano, Calif., to Montgomery, Ala.; Alexandria, Baton Rouge, and Church Point, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delano Growers Co-operative Winery, Route 1, Box 283, Delano, Calif. 93215. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115496 (Sub-No. 75TA), filed December 15, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl, chloride, plastic pipe* and *fittings*, from the plantsite of Tridyn Industries, Inc. at or near Colfax, N.C. to points in Alabama, Georgia, Florida, Mississippi, Texas, Oklahoma, Louisi-

ana, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Illinois, West Virginia, South Carolina, Virginia, Maryland, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tridyn Industries, Inc., P.O. Box 156, Colfax, N.C. 27235. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, Ga. 30309.

No. MC 117686 (Sub-No. 196TA), filed December 9, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). 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 MCC 209 and 766 (except hides and commodities in bulk), from Estherville, Iowa., Worthington and St. Paul, Minn., to points and places in California, restricted to the transportation of traffic originating at the above-named origins and destined to the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curt Y. Hopkins, Transportation Manager, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 118159 (Sub-No. 236TA), filed December 12, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures and materials, supplies and equipment* used in the manufacture and distribution thereof, from Walden (Bibb County), Ga., to points in Arkansas, Connecticut, Delaware, Kansas, Louisiana, Maine, Massachusetts, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 11943 (Sub-No. 175TA), filed December 8, 1977. Applicant: MINKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal feed and ingredients thereof*, from Rolla, Mo., to points in the United States (except Alaska, Hawaii, Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee), and *materials and supplies* used in the manufacture of prepared animal feed, from destination States named to Rolla, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bow Wow Co., Inc., P.O. Box 938, Rolla, Mo. 65401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119864 (Sub-No. 70TA), filed December 6, 1977. Applicant: GRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Baltimore, Mich., to points in Ohio, restricted to shipments originating at the plantsites or warehouses of Safie Brothers Farm Pickle Co., Inc., for 180 days. Supporting shipper(s): Safie Bros. Farm Pickle Co., Inc., Gratiot Road, New Baltimore, Mich. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 120782 (Sub-No. 3TA), filed December 13, 1977. Applicant: HARDING'S FREIGHT SERVICE, a corporation, 1249 West Washington Avenue, Escondido, Calif. 92025. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Diego and Escondido, Calif., on the one hand, and, on the other, Anza, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Anza Electric Cooperative, Inc., P.O. Box 96, Anza, Calif. 92306. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 121499 (Sub-No. 8TA), filed December 15, 1977. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Hartmann Drive, Lebanon, Tenn. 37087. Applicant's representative: Walter Harwood, attorney, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, Household goods, commodities in bulk, and those requiring special equipment serving the site of Kmart Corp. Distribution Center in Coweta County, Ga.*, as an off-route point in connection with carrier's authorized regular routes. Applicant intends to tack the authority sought herein to its authority in MC 121499 and subs, at Atlanta, Ga. Applicant plans to interline at Lebanon and Nashville, Tenn., and Louisville, Ky., for 180 days. Supporting shipper: Kmart Corp., Troy, Mich. 48084. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 380TA), filed December 12, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers of air and water pollution equipment, wastewater purification equipment and irrigation equipment, from Knoxville, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Carborundum Co., Pollution Control Division, P.O. Box 1269, Knoxville, Tenn. 37901 (James H. Scott, Jr.). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 123233 (Sub-No. 81TA), filed December 13, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou, Quebec,

Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium chlorate*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located at Highgate Springs and Derby Line, Vt., to Hinckley, Maine, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quenord Chemicals Ltd., 1155 Metcalf Street, Sun Life Building, Suite 2056, Montreal, Quebec, Canada. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 123407 (Sub-No. 421TA), filed December 6, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: William J. Maish (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material fibreboard, wood fibreboard, gypsum board and acoustical materials*, from the plant-site and warehouse facilities of Acoustiflex Corp. at Plainfield, Ill., to Denver, Colo.; Davenport and Des Moines, Iowa; Kansas City and Wichita, Kans.; Beltsville and Prince Frederick, Md.; Boston and Newton Highland, Mass.; Lincoln and Omaha, Nebr.; Union, N.J.; Buffalo, Massapequa, New York City, and Stony Brook, N.Y.; Cincinnati, Cleveland, Columbus, and Solon, Ohio; Morton, Pa.; Sioux Falls, S. Dak.; Dallas, Tex.; and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking seeking up to 90 days of operating authority. Supporting shipper(s): Acoustiflex Corp., R. W. Capaul, President, 811 Center Street, Plainfield, Ill. 60544. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 127187 (Sub-No. 30TA), filed December 7, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Greg C. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, and animal and poultry feed ingredients*, from Culbertson, Mont., to points in Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2d Avenue, North Fargo, N. Dak. 58102.

No. MC 133119 (Sub-No. 129TA), filed December 13, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ready-to-eat dry cereals*, in boxes, from Omaha, Nebr., to Seattle, Wash.; Portland, Oreg.; Los Angeles, Calif.; Phoenix, Ariz.; and Denver, Colo., for 180 days. Supporting shipper(s): John M. McGowan, President, U.S. Mills, Inc., 4200 North 28th Avenue, Omaha, Nebr. 68111. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133689 (Sub-No. 159TA), filed December 5, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street 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: *Such merchandise* as are dealt in by retail department stores, (except foodstuffs, those of unusual value, classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) from points in Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, New Jersey, Maryland, West Virginia, Virginia, and the District of Columbia, to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota and North Dakota, and; (2) from points in Michigan, Ohio, Indiana, and Illinois, to points in Minnesota, North Dakota, South Dakota, Nebraska and Kansas, restricted in (1) and (2) above, to traffic originating at the above named origins and destined to the facilities of Gamble Skogmo, Inc., and its divisions and subsidiaries at the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gamble Skogmo, Inc. (Gambles) 5100 Gamble Drive, Minneapolis, Minn. 55416. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134387 (Sub-No. 52TA), filed December 13, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280 Applicant's representative: Lucy Kennard Bell, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Alameda and Los Angeles Counties, Calif., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Latchford Glass Company, P.O. Box 71707, Los Angeles, Calif. 90001. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012

No. MC 134574 (Sub-No. 25TA), filed December 12, 1977. Applicant: FIGOL DISTRIBUTORS LTD., 11233, 156 Street, Edmonton, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt liquor*, in containers, from the facilities of Pearl Brewing Co., at San Antonio, Tex., to points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray M. Waters, President, Waters Distributing Co., Inc., 1101 River Drive South, Great Falls, Mont. 59405. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 135082 (Sub-No. 60TA), filed December 5, 1977. Applicant: BURSCH TRUCKING INC., d.b.a., ROADRUNNER TRUCKING INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled waste paper*, from points in Arizona, California, Colorado, Oklahoma, Nevada, Texas and Utah, to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thermal-Safe Insulation, Inc., 523 Rankin Road, Albuquerque, N. Mex. 87125. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 136008 (Sub-No. 91TA), filed December 15, 1977. Applicant: JOE BROWN CO., INC., 8005 South L-35, Suite 102, Oklahoma City, Okla. 73149. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke (in bulk, in dump vehicles)* from El Dorado, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma (except the facilities of Midwest Carbide Corp., near Pryor, Okla.) and Texas, for 180 days. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, New York, N.Y. 10017. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Nortwest 3rd, Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 49TA), filed December 15, 1977. Applicant: ROY SULLIVAN, d.b.a., SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets and alfalfa meal (in bulk, in dump vehicles)* from the facilities of Western Alfalfa Corp., at Wellington, Belle Plaine, Oxford and Douglass, Kans., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Alfalfa Corp., P.O. Box 69, Shawnee Mission, Kans. 66201. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 136476 (Sub-No. 7TA), filed December 13, 1977. Applicant: TRANSPORT WEST, INC., 2115 Birchwood, Eugene, Oreg. 97401. Applicant's representative: Nick I. Goyak, O'Connell, Goyak & Haugh, 555 Benjamin Franklin Plaza, 1 Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Douglas, Josephine, Polk, Marion, Linn, Benton, Multnomah, Clackamas, Lane, and Yamhill Counties, Oreg., to Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, Kern, Fresno, Merced, Sacramento, San Joaquin, Stanislaus, Monterey, and Orange Counties, Calif., El Paso, Denver, Pueblo, Boulder, and Larimer Counties, Colo., and Maricopa County, Ariz., under a continuing contract, or contracts, with Strong Tie Structures, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Strong Tie Structures, P.O. Box 5592, Eugene, Oreg. 97405. Send protests to: A. E. Odoms, District supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. 97204.

No. MC 136919 (Sub-No. 19TA), filed December 12, 1977. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, LaFayette, N.J. 07848. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Perth Amboy, N.J., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Watkins Salt Co., P.O. Box 150, Watkins Glen, N.Y. 14891. Cargill, Inc., Ludlowville, N.Y. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138841 (Sub-No. 9TA), filed December 12, 1977. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, P.O. Box 1552, Rapid City, S. Dak. 57709. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat*, and (2) *bones, tallow, and meat scraps*, refrigerated, in less than truckload quantities, (1) from Rapid City, S. Dak., to Wyoming, Utah, Maine, Connecticut, and Ohio, and (2) from Douglas, Wyo., to Rapid City, S. Dak., for 180 days. Supporting shipper(s): (1) Black Hills Packing Co., P.O. Box 2130, Rapid City, S. Dak. 57709. Richard Sletten, Traffic Manager. (2) Ranchers Meats, Box 547, Douglas, Wyo. 82633. Robert Cator, Owner and General Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 138882 (Sub-No. 26TA), filed November 25, 1977. Applicant: WILEY SANDERS, INC., P.O. Drawer 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, displays, and literature* (except in bulk), from points in Pike County, Ala., to points located in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas, and Texas, and *lumber*, from points in Arizona, Washington, and Oregon, to Pike County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Henderson, Black & Greene, Inc., Troy Ala. 36081. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139434 (Sub-No. 4TA), filed December 14, 1977. Applicant: MID-AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, Nebr. 69138. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of Armour and Co., at or near Omaha, Nebr., to Calhoun, Ga., and Charlotte, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Donald A. Chute, Manager Transportation and Distribution, Armour Food Co., Fresh Meats Division, 111 West Claredon, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 139587 (Sub-No. 8TA), filed December 6, 1977. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, 21st and Sidney Streets, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rails, cots and frames, upholstered day beds, bed frames, springs and assemblies, metal sleeper fixtures, and materials*, used in the manufacture thereof, from Carthage, Mo., to Portland, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leggett & Platt, Inc., 600 West Mound Street, Carthage, Mo. 64836. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Witchita, Kans. 67202.

No. MC 139727 (Sub-No. 4TA), filed December 12, 1977. Applicant: MADEWELL METALS, INC. 301 East Shawnee, Muskogee, Okla. 74401. Applicant's representative: George F.

Olsen, 1130 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead, lead alloy, lead oxide, and lead byproducts*, in bulk, and ingot form, between Schuykill Metals Corp., plant in Canon Hollow, Mo., and Hot Springs, Ark.; Lonoke, Ark.; Denver, Colo.; Chicago, Ill.; East Alton, Ill.; Attica, Ind.; Frankfort, Ind.; Hammond, Ind.; Indianapolis, Ind.; Logansport, Ind.; Muncie, Ind.; Vincennes, Ind.; Warsaw, Ind.; Burlington, Iowa; Manchester, Iowa; Olathe, Kans.; Salina, Kans.; Louisville, Ky.; Shreveport, La.; Minneapolis, Minn.; Kansas City, Mo.; St. Joseph, Mo.; St. Louis, Mo.; Oklahoma City, Okla.; Dallas, Tex.; Farmers Branch, Tex.; Milwaukee, Wis.; under a continuing contract, or contracts, with Schuylkill Metals Corp., for 180 days. Supporting shipper(s): Schuylkill Metals Corp., P.O. Box 73916, Baton Rouge, La. 70807. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 140409 (Sub-No. 3TA), filed November 25, 1977. Applicant: MINNCAL, INC., P.O. Box E, 104 Third Avenue SW., Mandan, N. Dak. 58554. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, cereals, and bakery goods and supplies*, from the facilities of Roman Meal Milling Co. located at Fargo, N. Dak., to points in the United States situated in and west of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper(s): (1) Roman Meal Co., 2101 South Tacoma Way, Tacoma; Wash. 98409. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 140452 (Sub-No. 9TA), filed December 9, 1977. Applicant: ROSE BROTHERS TRUCKING, INC., Rural Route 31, Box 9, Terre Haute, Ind. 47803. Applicant's representative: John J. Thar, 5101 Madison Avenue, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in dump vehicles, between points and places in Illinois, Indiana, and Kentucky, and (2) *salt, cullett, and fertilizer*, in bulk, in dump vehicles, from the Owensboro Riverport Authority at Owensboro, Ky., to points and places in Indiana, Illinois, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) AMAX Coal Co., a division of AMAX, Inc., 105 South Meridian Street, Indianapolis, Ind. 46225; (2) Southern Indiana Gas Electric, 20-24 Northwest Fourth Street, Evansville, Ind. 47741; (3) Public Service Co. of Indiana, 100 East Main Street, Plainfield, Ind. 46168; (4) Winslow Coal Co., Inc., P.O. Box 97, Winsolow, Ind. 57598; (5) Vigo Coal Co., Inc., Suite 49, Permanent Savings Building, Evansville, Ind. 47708, c/o Mr. Joseph Harrison, attorney-at-law; (6) Domtar, Inc., Sifto Salt Division, 9950 West Lawrence Avenue, Schiller Park, Ill. 60176; (7) Owensboro Riverport Authority, P.O. Box 711, Owensboro, Ky. 42301. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 140581 (Sub-No. 17TA), filed November 25, 1977. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222-A Trafford, Ala. 36172. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, from Flint, Mich., to points in California, for 180 days. Supporting shipper(s): Car Co., 2730 Richfield Road, Flint, Mich. 48506. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 141084 (Sub-No. 9TA), filed December 6, 1977. Applicant: NATIONAL FREIGHT LINES, INC., 6069 Maywood Avenue, Huntington Park, Calif. 90058. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Supreme, La., to the facilities of Shurfine-Central Corp. located at Little Rock, Ark.; Miami, Ocala, and Tampa, Fla.; College Park and Macon, Ga.; Broussard and Baton Rouge, La; Charlotte, N.C.; Tulsa, Okla.; Amarillo and El Paso, Tex.; Grand Rapids, Plymouth, Lansing, and Muskegon, Mich.; Kansas City and Springfield, Mo., under a continuing contract, or contracts, with Shurfine-Central Corp., for 180 days. Supporting shipper(s): Shurfine-Central Corp., 2100 North Mannheim Road, Northlake, Ill. 60164. Send protests to: Edward Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141773 (Sub-No. 4TA), filed December 13, 1977. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, Ind. 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft machinegun links and 20 millimeter projectal metal parts*, from the plantsite of Wells Marine, Inc., at Costa Mesa, Calif., to Marion, Ill., restricted to traffic moving in vehicles equipped with mechanical temperature controlled equipment, under a continuing contract, or contracts, with Wells Marine, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wells Marine, Inc., 3190 Pulman Lane, Costa Mesa, Calif. 92626. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 141776 (Sub-No. 17TA), filed November 28, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, 135 North 4th Street, Philadelphia, Pa. 19106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectioneries, candy cough drops, and hollow mold chocolate candy, NOI*, from the plantsite and warehouses of Luden's Inc., in Reading, Pa., to Melrose Park, Ill.; Detroit and Grand Rapids, Mich.; Indianapolis, Ind.; Cincinnati and Cleveland, Ohio; and Milwaukee, Wis., in vehicles equipped with mechanical refrigeration, and return shipments of refused, exchanged, rejected, or damaged merchandise, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Luden's, Inc., Reading, Pa. 19603. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 142177 (Sub-No. 8TA), filed December 6, 1977. Applicant: B. W. C. S., INC., 14 Park Avenue, Salem, N.H. 03079. Applicant's representative: Welley S. Chusdd, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer tapes and microfilm*, between Wakefield, Mass., on the one hand, and, on the other, Concord, Durham, Manchester, and Nashua, N.H., restricted against the

transportation of any package or article weighing more than 70 pounds, or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and restricted against the transportation of packages or articles weighing in the aggregate more than 150 pounds, from one consignor at one location to one consignee at one location on any one day, for 180 days. Applicant has also filed an underlyng ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Synergraphics, Inc., 607 North Avenue, Wakefield, Mass. 01880 (Attn.: Phillip S. Rutledge, Marketing Representative). Send protests to: Ross J. Seymour, district Supervisor, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 142330 (Sub-No. 8TA), filed December 13, 1977. Applicant: PONY EXPRESS COURIER CORP., P.O. 4313, Atlanta, Ga. 30302. Applicant's representative: Francis J. Mulcahy, P.O. Box 4313, Atlanta, Ga. 30302, and John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising media, copy sources of documents and related items*, between Birmingham, Ala., and points and places in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sun Newspapers, Inc., Division of Cook Publications, 3700 Old Cahaba Beach Road, P.O. Box 10567, Birmingham, Ala. 35202. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street N.W., Room 300, Atlanta, Ga. 30309.

No MC 142676 (Sub-No. 2TA), filed December 12, 1977. Applicant: DONNIE D. MOOREFIELD, Drawer G, Shady Spring, W. Va. 25918. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed*, in bags and in bulk, by means of specialized pneumatic unloading equipment, from Rockwell, Ky., and Harrisonburg, Va., to points in Garrett and Allegheny Counties, Md., under a continuing contract, or contracts, with Southern States Cooperative, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. R. Wright, Director of Transportation, Southern States Cooperative, Inc., P.O. Box 1656, Richmond, Va. 23213. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 142891 (Sub-No. 1TA), filed December 15, 1977. Applicant: A AND H, INC., Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, Trade World Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from the facilities of George A. Hormel and Co. at or near Beloit, Wis., to points in Ohio, New York, Pennsylvania, New Jersey, Delaware, Virginia, Kentucky, Michigan, Maine, Indiana, and Massachusetts. Restricted to products originating at the named origin and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: George A. Hormel and Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison Wis. 53703.

No. MC 143236 (Sub-No. 7TA), filed December 12, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution equipment* consisting of aluminum tubes, sheeting and extrussion, used to prevent evaporation losses of volatile organic compounds, between the facilities of Mayflower Vapor Seal Corp., Little Ferry, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mayflower Vapor Seal Corp., 20 Industrial Avenue, Little Ferry, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143640 (Sub-No. 2TA), filed December 12, 1977. Applicant: CAIRO SALT TERMINAL, INC., 2100 MacIvor Drive, Cairo, Ga. 31728. Applicant's representative: Frank D. Hall, 3384 Peachtree Road, NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Cairo, Ga., to points in Alabama, Florida and South Carolina, for 180 days. Supporting shipper(s) (1) Morton Salt Co. P.O. Box 1227, New Iberia, La. 70560. (2) Diamond Crystal Salt Co., 916 S. Riverside Avenue, St. Clair, Mich. 48079. (3) Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440. (4) International Salt Co., 1600 Tullie Circle, Suite 133, Atlanta, Ga. 30029. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 143796TA, filed December 8, 1977. Applicant: CURTIS VINCENT, 910 North Madison, Bloomington, Ill. 61701. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and supplies* used by drive-in restraurants, in containers, in vehicles equipped with mechanical refrigeration, from Bloomington and East Peoria, Ill. to Tampa, Fla.; Norcross, Ga., and Houston, Tex., for the account of Steak N Shake, Inc., under a continuing contract or contracts with Steak N Shake, Inc., for 180 days. Applicant has also filled an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gerald Traylor, Plant Manager and Assistant Vice President, Steak N Shake, Inc., 1704 West Washington Street, Bloomington, Ill, 61701. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 143871 (Sub-No. 1TA), filed December 12, 1977. Applicant: MS & SONS CORP., P.O. Box 334, Humboldt, Iowa 50548. Applicant's representative: Scott E. Daniel, P.O. Box 82028, 500 The Atrium, 1200 N. Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, from Humboldt, Iowa to points in Colorado, Wisconsin, Illinois, Kansas, and points in Minnesota north of U.S. Highway 12, for 180 days. Supporting shipper(s): Frit Industries, Inc., P.O. Box 850, Ozark, Ala. 36360. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Building, Interstate Commerce Commission, Des Moines, Iowa. 50309.

No. MC 144018 (Sub-No. 1TA), filed November 25, 1977. Applicant: ROBERT L. DRINKARD, 625 Van Duyn Road, Coburg, Oreg. 97401. Applicant's representative: Robert W. Sellars (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone crushed*, in sacks, form the plantsite of Standard Industrial Minerals near Bishop, Calif.; Pfizer Plant

near Lucerne Valley, Calif.; Cypress Mines near Fernley, Nev.; to Woodinville, Wash. and Eugene and Salem, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): VMC Corp., 13929 N.E., 190th Ave., Woodinville, Wash. 98072. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 144070 (Sub-No. 1TA), filed December 12, 1977. Applicant: PORT TERMINAL TRANSPORTATION, INC., 37-39 George Street, Newark, N.J. 07105. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by electronic equipment and supply stores, between the facilities of Lafayette Radio Electronics Corp., at Syosset and Hauppauge, N.Y. on the one hand and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, Ohio, Pennsylvania, Virginia, Wisconsin, Minnesota, and Rhode Island, under a continuing contract or contracts with Lafayette Radion Electronics Corp., for 180 days. Applicant will be returning unusable merchandise. Applicant will also be returning with exempt commodities. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lafayette Radion Electronics Corp., Director of Transportation, 111 Jericho Turnpike, Syosset, N.Y. 11791. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144075 (Sub-No. 1TA), filed December 12, 1977. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65 Street, Cleveland, Ohio 44104. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal products* used in the manufacture and installation of heating and air conditioning systems, and (2) *coil steel*, (a) between the facilities of L. B. Cleveland, Inc., at Cleveland and Mt. Vernon, Ohio, and; (b) between the said facilities on the one hand and, on the other, points in Alabama, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Vermont, Virginia, and the District of Columbia, restricted to a transportation service, performed under a continuing contract or contracts with L. B. Cleveland, Inc., of Cleveland, Ohio, for 180 days. Supporting shipper(s): L. B. Cleveland, Inc., 2363 East 69 Street, Cleveland, Ohio. 44104. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 144077 (Sub-No. 1TA), filed November 16, 1977. Applicant: MINI TRUCK LINES, INC., Route 3, Lawrenceberg, Tenn. 38464. Applicant's representative: James Parker, Route 1, Waynesboro, Tenn. 38485. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mini cars* which are replicas, (toys) of the regular cars designed for off-street use, and weighting less than 300 pounds apiece. These require transport equipment other than regular designed transport equipment used by other companies in the hauling of regular sized cars. (These are in no way mini street cars, but toys.) (1) From Mansfield, Ohio, to points in Tennessee, Alabama, Georgia, Mississippi, Arkansas and Missouri, and (2) from Phoenix, Ariz., to points in the United States, (except Alaska and Hawaii), under a continuing contract, or contracts, with Mid-Town Motors Mini Cars & Vans, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-Town Motors Mini Cars & Vans, Inc., 327 Highway 51, North Covington, Tenn. 38019. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 144080TA, filed December 8, 1977. Applicant: ROBERT VERN PONTIUS, d.b.a. (1) Pontius Trucking, and (2) Washington Coal Distributors, 11640 Seola Beach Drive SW., Seattle, Wash. 98146. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (a) from points in Wyoming, Montana, and Utah to points in Washington, and (b) from points in Lewis, Thurston, Snohomish, Skagit, Kittitas, and King Counties, Wash., to points in Oregon, (excluding shipments originating at Black Diamond, Wash.; and (c) from points in Washington, to points in Washington and Oregon, restricted to shipments having a prior or subsequent movement by rail or by water, for 180 days. Supporting shipper(s): Leonard J. Campbell, d.b.a. Lenny's Fuel Co., 9010 Delridge Way SW., Seattle, Wash. 98106. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 144081TA, filed December 8, 1977. Applicant: D. W. STACY CO., INC., Route 7, Box 619X, Gaffney, S.C. 29340. Applicant's representative: Fred C. Thompson, Jr., Grier, Parker, Poe, Thompson, Bernstein, Gage & Preston, 1100 Cameron-Brown Building, 201 South McDowell Street, Charlotte, N.C. 28204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton turkish and terry towels, bolts of blended cotton, and synthetic cloth*, between Charlotte, Gastonia, Monroe, Greensboro, Wagram, Kannapolis, Albermarle, and Stokesdale, N.C.; Phoenix City and Fairfax, Ala.; Rock Hill and Gaffney, S.C.; and Lebanon, Pa., under a continuing contract, or contracts, with Barth & Dreyfuss of California, Inc., for 180 days. Supporting shipper(s): Barth & Dreyfuss of California, Inc., 100 North Bivens Road, Monroe, N.C. 28110. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 144082TA, filed December 9, 1977. Applicant: DIST-TRANS MULTI-SERVICES, d.b.a. TAH-WHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, N.C. 28217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, distributed, or used by retail department stores and mail order merchandisers*, from Charlotte, N.C. to Wauwatosa, Wis., restricted to service performed, under a continuing contract, or contracts, with J. C. Penney Co., Inc., of New York, N.Y., for 180 days. Supporting shipper(s): J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 144089TA, filed December 13, 1977. 1977. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, Maine 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation panels*, from Sanford, Maine to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, 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 NRG Barriers, Inc., for 180 days. Supporting shipper(s): NRG Barriers, Inc., 61 Emery Street, P.O. Box 30, Sanford, Maine 04073. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 144091TA, filed December 13, 1977. Applicant: TERRY T. KERR AND LANA L. KERR, d.b.a. DIVISION I, P.O. Box 884, Hamilton, Mont. 59840. Applicant's representative: Terry F. Kerr, P.O. Box 884, Hamilton, Mont. 59840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut, knocked down log homes and components*, from Ravalli County, Mont. to points and places in the United States (except Hawaii), for 180 days. Supporting shippers(s): (1) Ned Smartt, Comptroller, Montana Sundown, Inc., d.b.a. Rocky Mountain Log Homes, Route 1, Box 1255, Hamilton, Mont. 59840. (2) John C. Brewer, Manager, Western Valley Log Homes, P.O. Box 254, Victor, Mont. 59875. (3) Lew Wilkinson Sales Coordinator, Mountain Logs, Inc., P.O. Box 1128, Hamilton, Mont. 59840. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 144096TA, filed December 15, 1977. Applicant: ROBERT J. SAVAGE, d.b.a. BOB SAVAGE TRUCKING, P.O. Box 2653, Missoula, Mont. 59806. Applicant's representative: Robert J. Savage, P.O. Box 2653, Missoula, Mont. 59806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wood products including but not limited to cedar posts and rails, cedar shakes, lumber of all sizes and dimensions, plywood, and fiberboard*, from Lincoln and Flathead Counties, Mont. to points in North Dakota, South Dakota, Nebraska, Iowa, Missouri, Minnesota, Illinois, Indiana, Wisconsin, Michigan, Ohio, Wyoming, Colorado, and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): There are approximately (4) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-1131 Filed 1-13-78; 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
Civil Aeronautics Board	1, 2, 3
Commodity Futures Trading Commission	4
Federal Communications Commission	5, 6, 7, 8
Federal Home Loan Bank Board	9
National Labor Relations Board	10
Nuclear Regulatory Commission	11
Parole Commission	12, 13
Renegotiation Board	14

[6320-01]

1

[M-94; 1/11/78]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10:30 a.m., January 12, 1978.

PLACE: Room 1011, 1025 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: BIA briefing on ongoing consultations with United Kingdom and proposed charter talks with other European countries.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board met to discuss this item January 11, 1968. The time available to discuss this item did not permit the Board to conclude its consideration. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days' notice and that earlier announcement of the meeting was not possible:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

This meeting will concern the Board's views about proposed U.S. action in European Charter talks. Public disclosure, particularly to foreign governments with whom the United States is or will be negotiating, of the opinions, evaluations, and strategies of the Board and its staff could seriously compromise the ability of the United States Delegations to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this item would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agecny action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on this item will be closed:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

Board members: Chairman, Alfred E. Kahn; Member, G. Joseph Minetti; Member, Lee R. West; and Member, Elizabeth E. Baily.
Assistant to board members: Mr. Mike Roach, Mr. Elias C. Rodriguez, Mr. Ford Cole, Mr. James Casey, Mr. John Golden, and Ms. Barbara Clark.
Office of the managing director: Mr. Dennis Rapp, and Mr. John Hancock.
Office of the general counsel: Mr. Philip Bakes, Mr. Gary Edles, Mr. Simon Eilenberg, Mr. Dick Dyson, and Mr. Bob Kneisley.
Bureau of international aviation: Mr. Don Farmer, Ms. Mary Pett, Mr. Joe Chesen, Mr. Tony Largay, and Mr. Rosario Scibilia.
Office of economic analysis: Mr. Darius Gaskins.
Bureau of pricing and domestic aviation: Michael E. Levine.
Office of the secretary: Ms. Phyllis T. Kaylor, and Ms. Deborah A. Lee.
State Department: Mr. Joel Biller.
Reporter: North American Reporting.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

PHILIP J. BAKES, Jr.,
General Counsel.

[S-98-78 Filed 1-12-78; 3:37 pm]

[6320-01]

2

[M-92 amdt. 8; 1/10/78]

CIVIL AERONAUTICS BOARD.

ADDITION OF CLOSURE OF ITEM TO THE JANUARY 11, 1978, MEETING AGENDA

TIME AND DATE: 11:30 a.m., January 11, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue, NW. Washington, D.C. 20428.

SUBJECT: BIA briefing on ongoing consultations with United Kingdom and proposed charter talks with other European countries.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: On Friday, January 6, 1978, the State Department orally requested the views of the CAB and other agencies on the next steps which the U.S. should take in European charter talks. The Board's staff prepared its presentation to the Board and requested a Board meeting on this matter on Tuesday, January 10, 1978, so that the Board could respond to the State Department by the required date of Friday, January 13, 1978. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days' notice and that earlier announcement of the meeting was not possible:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

This meeting will concern the Board's views about proposed U.S. action in European Charter talks. Public disclosure, particularly to foreign governments with whom the United States is or will be negotiating, of the opinions, evaluations, and strategies of the Board and its staff could seriously compromise the ability of the United States Delegations to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this item would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b (c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting on this item will be closed:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

Board members: Chairman, Alfred E. Kahn; Member, G. Joseph Minetti; Member, Lee R. West; and Member, Elizabeth E. Bailey.
Assistant to board members: Mr. Mike Roach, Mr. Elias C. Rodriquez, Mr. Ford Cole, Mr. James Casey, Mr. John Golden, and Ms. Barbara Clark.
Office of the managing director: Mr. Dennis Rapp, and Mr. John Hancock.
Office of the general counsel: Mr. Philip Bakes, Mr. Gary Edles, Mr. Simon Eilenberg, Mr. Dick Dyson, and Mr. Bob Kneisley.
Bureau of International aviation: Mr. Don Farmer, Ms. Mary Pett, Mr. Joe Chesen, and Mr. Tony Largay.
Office of economic analysis: Mr. Darius Gaskins.
Bureau of pricing and domestic aviation: Michael E. Levine.
Office of the secretary: Ms. Phyllis T. Kaylor, and Ms. Deborah A. Lee.
Reporter: North American Reporting.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14CFR 310b.5(9)(B).

PHILIP J. BAKES, Jr.,
General Counsel.

[S-99-78 Filed 1-12-78; 3:37 pm]

[6320—01]

3

CIVIL AERONAUTICS BOARD

[M—92, Amdt. 7; 1/10/78]

ADDITION OF ITEM TO THE JANUARY 11, 1978 MEETING AGENDA

TIME AND DATE: 10 a.m., January 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT: 2b. Docket 29637, Discretionary Review on Board Initiative of the Initial Decision in *Patricia Kennedy* v. *American Airlines, Inc., et al., Enforcement Proceeding,* (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This item involves discretionary review on Board initiative of the Initial Decision in *Patricia Kennedy* v. *American Airlines, Inc.*, et al., *Enforcement Proceeding.* It is related to Item 2a Docket 30851, Discretionary Review on Board Initiative of the Initial Decision in *Patricia Kennedy* v. *Pan American World Airways, Inc., Enforcement Proceeding.* Unless the Board acts on January 17, under section 302.27 of the regulations, the initial decision becomes the order of the Board on January 18, nine days after the respondents could have sought review. So that the Board can discuss this item at the same time as the related case in Item 2a, and reach a decision, the following Members have voted that agency business requires the addition of this item to the agenda of January 11, 1978 and that no earlier announcement of this addition was possible:

Chairman Alfred E. Kahn
Member G. Joseph Minetti
Member Lee R. West
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-100-78 Filed 1-12-78; 3:37 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 25, 1978.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Options regulations: Review of comments; identification of policy issues; discussion and review of time frames and implementation plans.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-90-78 Filed 1-12-78; 10:02 am]

[6712-01]

5

FEDERAL COMMUNICATIONS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, page 1581, January 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Follows 9:30 a.m., Open Commission Meeting, Thursday, January 12, 1978.

STATUS: Closed Commission Meeting.

CHANGES IN THE MEETING: Time has been changed to 10 a.m. the prompt and orderly conduct of Commission business requires that less than 7 days notice be given.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 12, 1978.

[S-94-78 Filed 1-12-78; 3:37 pm]

[6712-01]

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Special Open Meeting, Wednesday, January 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

Common carrier—1—Petitions to suspend AT&T's Transmittal No. 12841, Telpak end link tariff changes.
Common carrier—2—Petition to suspend American Television Relay's tariff revisions, ATR Transmittal No. 78.
Common carrier—3—Proposed revisions to Tariff FCC No. 4, establishing charges for certain leased channel services between San Francisco, California and Honolulu, Hawaii; Western Union International, Inc., Transmittal No. 1192.
Common carrier—4—Modification of depreciation rates for General Telephone Company of the Southeast, New York Telephone Co., Northwestern Bell, et al.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 11, 1978.

[S-95-78 Filed 1-12-78; 3:37 pm]

[6712-01]

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows oral argument scheduled for 9:30 a.m., Wednesday, January 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED: Issuing instructions to the staff following oral argument on renewal application of WPIX(TV), New York, N.Y., Docket Nos. 18711-2 (see News Release of December 19, 1977, Report No. 13598).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: January 11, 1978.

[S-96-78 Filed 1-12-78; 3:37 pm]

[6712-01]

8

FEDERAL COMMUNICATIONS COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, Page 1582, January 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Follows

9:30 a.m., Special Open Meeting, Wednesday, January 11, 1978.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

General—1(83835)—Amendment of part 15 of the Commission's rules to prohibit manufacture of UHF receivers, after May 1, 1979, with noise figures in excess of 14 dB (Docket No. 21010).

General—2(84022)—Inquiry from Microwave Associates, Burlington, Mass.: Does sale of earth satellite receivers to private individuals for reception of broadcast satellite signals violate section 605 of the Communications Act?

Common carrier—4(84028)—Modification of Depreciation rates for General Telephone Co. of The Southeast, New York Telephone Co., Northwestern Bell, et al.

Cable television—1(83824)—Petitions for stay of the Commission decision in Vanhu, Inc. (Seattle, Wash.) filed by United Community Antenna Systems, Inc., and Tele-Vue Systems, Inc. and KIRO, Inc's objections

Cable television—3(84060)—Reconsideration of report and order dealing with use of predicted field strength contours for cable television regulation, and expanding carriage of UHF stations on cable systems (Docket No. 20496).

Cable television—4(84062)—Petition for special relief, filed by CPI, operator of a cable television system serving North Little Rock, and Sherwood, Ark. and opposition pleadings filed by Combined Communications Corp., (KARK-TV), and Leake TV, Inc., (KATV), both of Little Rock, Ark.

Cable television—5(84064)—Petition for partial reconsideration, filed by Clearview TV Cable of Enumclaw, Inc., Enumclaw, Wash., (CSR-948).

Cable television—8(84079)—Petition for reconsideration filed by Blytheville TV Cable Col., Blytheville, Ark. and opposition pleading filed by KAIT-TV, Jonesboro, Ark.

Cable television—9(84081)—Petition, filed by Texas Community Antennas, Inc., (Nacogdoches Cable TV), directed against the Commission's decision in Texas Community Antennas, Inc. FCC 77-131, 63 FCC 2d 339 (1977).

Complaints and compliance—1(83888)—Request for a declaratory ruling clarifying the phrase "program or any part thereof" in section 325(a) of the Communications Act.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: January 11, 1978.

[S-97-78 Filed 1-12-78; 3:37 pm]

[6720-01]

9

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m. January 18, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Official naming of Federal Home Loan Bank Board new building plaza.

Application for insurance of accounts—Poinsett County Savings and Loan Association, Trumann, Ark.

Branch office application—Eureka Federal Savings and Loan Association of San Francisco, San Francisco, Calif.

Consideration of assessments of Federal home loan banks.

Consideration of FSLIC assessments for fiscal year 1978.

Applications for bank membership and insurance of accounts—California Women's Savings and Loan Association, Los Angeles, Calif.

Branch office application—Pulaski Federal Savings and Loan Association, Little Rock, Ark.

JANUARY 11, 1978.

[S-89-78 Filed 1-12-78; 10:02 am]

[7545-01]

10

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m. Monday, January 23, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Selection of executive secretary. Personnel action relating to deputy executive secretary.

CONTACT PERSON FOR MORE INFORMATION:

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, telephone number, 202-254-9430.

Dated: Washington, D.C., January 11, 1978.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary.

[S-88-78 Filed 1-12-78; 10:02 am]

[7590-01]

11

NUCLEAR REGULATORY COMMISSION.

DATE: Wednesday, January 18, and Thursday, January 19.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JANUARY 18

9:30 A.M.

General Safeguards Briefing (Approx. 2 hrs.) (public meeting).

2 P.M.

1. Final disposition of NRDC petition for reconsideration in S-3 rulemaking proceeding (approx. ½ hr.) (public meeting).
2. Briefing on MBO on decommissioning (approx. 1 hr.) (public meeting).
3. Affirmation items: (approx. 5 min.) (public meeting): (a) Appeal from Initial Privacy Act/FOIA Decision; (b) FOIA Appeal for 10 CFR 73.55 records; and (c) Proposed publication of final Export-Import Regulations, part 110.
4. Discussion of personnel matter (approx. 1½ hrs.) (closed—exemption 6).

THURSDAY, JANUARY 19

2 P.M.

Meeting requested by industry representatives (Fluor-Pioneer, Ebasco, Gibbs, and Hill, Gilbert Assoc., B&W, Westinghouse, S&W, CE) on standard reference plant matters (approx. 1 hr.) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE
Office of the Secretary.

JANUARY 11, 1978.

[S-56-78 Filed 1-12-78; 11:26 am]

[4410-01]

12

PAROLE COMMISSION.

DATE AND TIME: Wednesday, January 25, 1978, at 9 a.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 10 cases decided by National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTRACT PERSON FOR MORE INFORMATION:

Lee H. Chait, National Appeals Board Analyst, 202-724-3094.

[S-91-78 Filed 1-12-78; 11:46 am]

[4410-01]

13

PAROLE COMMISSION.

DATE AND TIME: Tuesday, January 24, 1978, 9 a.m. to 5:30 p.m.

PLACE: Room 500, Federal Home Loan Bank Board (formerly HOLC) Building, 320 First Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's remarks concerning the Parole Commission.
2. Approval of minutes of open meeting held November 29, 1978.
3. Status reports from each Regional Commissioner, Chairman of National Appeals Board and National Commissioners, and others.
4. Consideration of a Final Rule concerning Committees of the Commission which deletes 28 CFR § 2.59 from the Code of Federal Regulations.
5. Consideration of disclosure by Probation Officers of facts indicating reasonably forseeable danger in supervision cases.
6. Consideration of a review of all policies and functions of the Commission as to compliance with the Parole Commission and Reorganization Act.
7. Legal Report.
8. Statistical Report.
9. *Guideline Application:* (a) Valuation of goods or items which affect amount categories.

(b) Discussion of how more than four prior commitments should affect the length of incarceration.

(c) Multiple Separate Offenses—Discussion of a mandatory raising of the severity level and other related factors.

(d) Guideline Changes—Possible retroactive application of changes reducing period of incarceration.

10. Consider allowing Regional Commissioner in region where there is maximum public interest to vote in certain Original Jurisdiction cases.
11. Consideration of using a combination notice disclosure form in place of several separate forms prior to hearings.
12. Use of letter to require filing of documents in advance of Original Jurisdiction Appeal hearing dates.
13. Expunging material from files.
14. Examiners' training.
15. Survey of Hearing Examiner needs.
16. Examiner's Summaries—Deletion of reasons.
17. Issuance of Parole Certificates under certain conditions.
18. Conducting a hearing or record review prior to presumptive release date for inmates in CTC's.
19. Review of file by inmate on hearing date.
20. Need for separate Code of Ethics.
21. Filing in Case Folders.

CONTACT PERSONS FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117.

[S-92-78 Filed 1-12-78; 11:46 am]

[7910-01]

14

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, January 24, 1978, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 are open to the public. Matter 4 is closed to public observation. Status is not applicable to matters 5 and 6.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held January 18, 1978, and other Board meetings, if any.

2. Principles and Concepts for the Application of the Statutory Factors.

3. Rulemaking: Foreign Military Sales.

4. Freedom of Information Act Appeal: Miller and Chevalier.

5. Approval of agenda for meeting to be held February 7, 1978.

6. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 11, 1978.

GOODWIN CHASE,
Chairman.

[S-93-78 Filed 1-12-78; 2:30 pm]

federal register

MONDAY, JANUARY 16, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

■

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Confidentiality and Disclosure of Information

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—PROFESSIONAL STANDARDS REVIEW

PART 476—CONFIDENTIALITY AND DISCLOSURE OF INFORMATION BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

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

ACTION: Final rule.

SUMMARY: This rule sets forth policies for disclosure of information acquired by Professional Standards Review Organizations (PSROs). Section 1166(a) of the Social Security Act requires regulations for the release of PSRO information for other than the purposes of the PSRO statute. The intent is that PSRO information which was previously published or is in aggregate statistical form be provided to parties who need it, without violating the privacy rights of patients and health care practitioners, and without undue burden. Observance of the rule is intended also to protect PSROs against the risk of penalties under section 1166(b) of the Act.

EFFECTIVE DATE: These regulations are effective on January 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Lois Eberhard, 301-443-2808.

SUPPLEMENTARY INFORMATION:

BACKGROUND

PSROs review Medicare, Medicaid and Maternal and Child Health and Crippled Childrens' services. Some of the information acquired by PSROs in carrying out the review functions are of a sensitive or personal nature, requiring stringent safeguards. Other information is public in nature prior to receipt by the PSRO or in the form of statistical summaries that do not identify individuals. PSRO information can be useful to other parties. These regulations are necessary to provide for the release of information without subjecting PSRO personnel to the risk of penalties under section 1166(b) of the Act.

The notice of proposed rulemaking published on December 3, 1976 (41 FR 53215), codified these policies under Subpart Q of Part 101 of Title 42, of the Code of Federal Regulations.

Regulations effective October 1, 1977 established a new Chapter IV in Title 42 of the CFR and transferred all Health Care Financing Administration regulations to that new chapter. Accordingly, these final regulations are codified under 42 CFR Part 476.

DISCUSSION OF COMMENTS

Comments, suggestions and objections received in response to the December proposal were considered and are summarized below along with our responses thereto and the changes in the proposed rule.

1. *Proposal is too narrow.* Several comments objected to the publication of an interim regulation providing only for limited disclosure and advocated the immediate development and issuance of a comprehensive regulation. The majority of these comments recommended much broader disclosure to meet the needs of the public for more information on health providers and services, but still protect the privacy rights of patients. However, regulations that permit the disclosure of comparatively nonsensitive and public information can be published sooner. It takes time to resolve the broader, more complex issues that underlie a comprehensive regulation. Suggestions that are pertinent to these issues are currently being considered in developing the comprehensive regulation.

2. *Additional disclosure under the interim regulation.* It was recommended that the proposed rule be expanded to include the disclosure of the norms, criteria and standards used by the PSRO and data collected solely for PSRO purposes, such as the number of days certified and Medical Care Evaluation Studies. The Secretary has determined that disclosure of PSRO norms, criteria and standards is permissible under section 1166(a)(1) of the act without regulations. Data collected solely for PSRO purposes is beyond the scope of the interim rule. However, the comprehensive regulation under development will reflect this recommendation.

3. *Disclosure on PSRO's own initiative.* The proposed rule required PSROs to disclose specified types of data or information only upon receipt of a request. Several comments suggested that PSROs also be permitted to disclose the same data or information on their own initiative, when appropriate. This suggestion has been accepted and included in the final rule.

4. *Burden on PSROs.* Several comments expressed concern that the implementation of this interim regulation would place an excessive burden on PSROs to provide data services. It is recognized that the provision of data by PSROs will place a burden on some PSROs. Nevertheless it is considered important that such data, heretofore inaccessible in many geographic areas, be readily available to health agencies and the public. This approach will make it unnecessary for those agencies to duplicate the collection and processing efforts of the PSRO. Moreover, by requiring that requests clearly define the data or information desired and by permitting the PSRO to charge a fee for data or information not routinely compiled for PSRO use, it is expected that the burden will be eased somewhat.

The interim regulation does not require a PSRO to automatically meet all requests for data or information; rather it requires the PSRO to exercise judgment regarding the conditions of disclosure. These conditions involve matters such as the assurance that individuals are not indirectly identified in the data or information to be disclosed. However, in recognition of the need to establish a procedure for review of a PSRO decision to deny a request for data or information, the interim regulation has been amended to provide for Secretarial review of such denials.

5. *Confidentiality determined by source of information.* A number of respondents understood that § 476.2 would permit the source of public information to determine that such information was confidential, even after it had been published, and thus prevent its disclosure by the PSROs. Since it was not the intent of the provision to permit sources to so control the data, the rule has been clarified. The purpose of the rule is to require disclosure of data or information which was published prior to receipt by the PSRO. Examples of this type of data or information are newspaper articles and annual reports of health care institutions which are publicly distributed by the institutions.

6. *Statistics identify health care institutions.* The proposed rule provided for the disclosure of summary statistics as long as neither patients nor health care practitioners could be identified through these summaries. A number of comments objected to this rule, because it permits the disclosure of data or information which identify health care institutions. It is the intention of the Department to make such institutional data available to meet a variety of needs for health data, including identification of problem areas, health planning and the funding of health services. The disclosure of data about identifiable institutions is also consistent with court decisions that have held that institutions have no right of privacy under the Constitution, *U.S.* v. *Morton Salt,* 338 U.S. 632, 70 S.Ct. 357 (1950) and with section 1106(d) of the Act, which requires that various Medicare contractor performance reports, provider evaluation reports and provider survey reports be available for public inspection.

On the other hand, the Secretary is mindful that such institutional information may be misinterpreted in the absence of an appropriate context. Accordingly, the proposed regulation provides institutions with an opportu-

nity to comment and requires PSROs to forward those comments to the recipient of the data or information in order to correct errors or inaccurate impressions.

7. *Use of computer tape.* Several comments suggested that PSROs be permitted to provide UHDDS data or information on computer tape as well as in the form of aggregate statistics. The Department recognizes that the disclosure of UHDDS computer tapes with personal identifiers deleted may make the data more useful to some users and reduce the burden on PSROs. However, techniques do not exist for determining if an individual could be identified from the data on the tape. Therefore, the Department has rejected the suggestion until such techniques for assuring the privacy of individuals are available.

8. *Disclosure on basis of need to know.* It was suggested that the rule be revised to permit a PSRO to disclose information if the PSRO determines that the requesting party has an appropriate need to know the data. This approach would be broader than the criteria for disclosure set out under section 1166 of the Act, which permits disclosure of PSRO data only if it is necessary to carry out the purposes of title XI, part B of the act or if such disclosure has been determined by the Secretary to be appropriate and is specified in regulations.

9. *Availability to State Governments.* A number of States urged that all PSRO data or information be available to State Governments. It is the position of the Department that a great deal of PSRO data is available to State Medicaid agencies presently, even in the absence of regulations. The States are now authorized by the Secretary to monitor PSRO activities and may obtain certain data to do so. PSRO data necessary to make Medicaid payments must be disclosed to State Medicaid agencies under section 1158 of the act. Also, data or information for other activities necessary for a State Medicaid agency to carry out the purposes of title XI, part B of the act can be disclosed to States under section 1166(a) without regulations. Finally, the comprehensive regulations under development are expected to provide for further disclosure of PSRO data or information to State agencies.

10. *Waiver of NOI.* Several commenters objected to the publication of a Notice of Proposed Rulemaking without publishing a Notice of Intent beforehand, and maintained that the regulatory policies of the Department (40 FR 34811) were not followed. While the regulatory policies of the Department encourage the use of the NOI, they do not require the Publication of an NOI in every case. As stated in the preamble to the proposed rule, the proposed rule was published without the use of a Notice of Intent (NOI) "because there is an urgent requirement for these regulations and over an extended period of time there has been significant interaction between the Department and medical and consumer organizations and interested individuals in the development of the approach contained in the NPRM which has satisfied the spirit and intent of the NOI."

11. *Publicize existence of PSRO data.* It was urged that the public should be informed of the existence of the PSRO data system. No revision in the present regulation was needed since each PSRO is required, under its contract with the Department, to publish a notice of the existence, scope and purposes of the PSRO data system.

12. *Obtain public information from original source.* Comment was received suggesting that PSROs refer requests for public information to the source of the information, rather than furnish it themselves. This suggestion was rejected because such referrals might often be time consuming and onerous, thereby making it more difficult for persons to obtain a large variety of useful public data.

13. *Applicability of the Privacy Act.* Comments were received suggesting that the "Privacy Act of 1974" (5 U.S.C. 552a) was applicable to PSROs and the provisions of that Act should be reflected in PSRO confidentiality regulations. It is the Department's view that section (m) of 5 U.S.C. 552(a), which makes the Privacy Act applicable to government contractors whose contract provides for the operation of a system of records on behalf of a government agency, does not apply to PSRO contractors. PSROs collect data primarily to carry out purposes specified by statute as PSRO responsibilities, not the responsibility of the Secretary, and each PSRO directly manages its own review operations and the records collected for such purposes.

14. *Time limit on interim regulations.* It was proposed by some commenters that a limit be set on the length of time that the interim regulations are in effect, to assure that comprehensive regulations are published as quickly as possible. It is the intention of the Department to publish comprehensive regulations on PSRO confidentiality as quickly as the outstanding policy issues are resolved and the procedures necessary for publication of regulations are completed. However, since this time period is very difficult to predict, it was decided that the interim regulations should not have a limit on the time for which they are effective.

15. *Determining whether data identifies individuals.* Comments asked what particular method would be used in determining whether individual patients or practitioners were "identifiable" from the PSRO data to be disclosed. Of particular concern is the indirect identification of individuals through a combination of attributes such as sex, age, dates of admission or discharge, diagnosis or procedures. Such "identifiable" data would not be required to be disclosed under the interim regulations. Since statistical techniques for implicit identification of individuals from statistical information are highly technical in nature and vary with the type of data involved, it was not feasible to specify such methods in the regulations. HEW will issue guidelines which will be provided to PSROs on this subject to suggest methods whereby statistical data can be displayed to avoid the identification of individuals.

16. *No regulation until all PSROs are in full operation.* One comment suggested that the proposed regulation be withdrawn until all PSROs are fully operational. To restrict the use of data or information acquired by PSROs until such time as all PSROs are fully operational would conflict with the intent of the Department to meet the current needs of many users of health data.

17. *Information on existence and classification of data.* Some comments asked that the regulation establish a practical procedure to inform individuals of the types of information available and the manner in which the information is labeled by the PSRO. Since the disclosures, except for previously published information, required under the interim regulation are limited to data available only from the UHDDS, there should be little confusion over the specific data available from this source, In addition, the Secretary believes it would be too great a burden on PSROs to require all PSROs to publish regularly a description of all the previously published data which it has acquired. 42 CFR Chaapter IV, Subchapter D, is amended by adding a new Part 476 to read as follows:

Sec.
476.1 Applicability.
476.2 Disclosure of public information acquired by PSROs.
476.3 Disclosure of Uniform Hospital Discharge Data Set acquired by a PSRO.
476.4 Secretarial Review.

AUTHORITY: Sec. 1166, Social Security Act, 86 Stat. 1443 (42 U.S.C. 1320C-15); section 1102 of the Social Security Act, 49 Stat. 647, as amended (42 U.S.C. 1302).

§ 476.1 Applicability.

The provisions of this part are applicable to the disclosure of information acquired by a PSRO in the exercise of its duties and functions under the Social Security Act in accordance with section 1166 of the Act.

§ 476.2 Disclosure of public information acquired by PSROs.

(a) A PSRO shall, upon receipt of a request for specific information in its possession, provide to the person making the request a copy of that information if:

(1) The information had, prior to the request, been published or otherwise disclosed to the public by any individual or entity other than the PSRO or its employees, members or directors, and

(2) The disclosure of the information is not prohibited by Federal or State law.

(b) A PSRO may, on its own initiative, provide to a person whom it determines to have an appropriate need for such information, a copy of any information described in paragraph (a) of this section.

(c) Information provided under this section shall be in the form in which it is received by the PSRO or in the form in which it is maintained for PSRO use.

(d) The PSRO may require the payment of a fee, for furnishing information under this section, not to exceed the reasonable cost of doing so.

§ 476.3 Disclosure of Uniform Hospital Discharge Data Set (UHDDS) acquired by a PSRO.

(a) A PSRO shall, upon receipt of a request that clearly defines the specific information desired, provide to the person making the request, summary statistics derived from the Uniform Hospital Discharge Data Set (the multi-purpose, basic data set containing information on a hospital discharge approved by the Secretary for use in Federal health programs, including the PSRO program) which does not directly or indirectly identify a particular patient or health care practitioner.

(b) A PSRO may provide to a person whom it determines to have an appropriate need for it, summary statistics acquired by the PSRO from the UHDDS which does not directly or indirectly identify a particular patient or health care practitioner.

(c) Information described in paragraphs (a) and (b) of this section, if routinely compiled for PSRO use, shall be provided without charge.

(d) The PSRO may require the payment of a fee for furnishing information under this section, not to exceed the reasonable cost of doing so.

(e) If information provided under this section identifies a particular health care institution, the PSRO shall notify the institution, at least 15 days before disclosing the information, of its intention to do so. The identified health care institution may submit to the PSRO comments concerning the information to be disclosed, which shall be attached by the PSRO to such information if received prior to its disclosure or forwarded separately by the PSRO to the recipient, if the comments are received after the information was disclosed.

(f) The PSRO may attach a statement of comment to any disclosure made under this section.

§ 476.4 Secretarial review.

Any person whose request for information is denied by the PSRO may request that the Secretary review the decision of the PSRO. If the Secretary determines that the PSRO has improperly denied the request, he shall direct the PSRO to provide the requested information and it shall do so.

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

Dated: November 4, 1977.

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

Approved: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-661 Filed 1-13-78; 8:45 am]

federal register

MONDAY, JANUARY 16, 1978
PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

[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-3289]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Northmoor, Platte County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Northmoor, Platte 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Northmoor, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Northmoor, are available for review at Town Hall, 2022 Northwest 49th Street, Northmoor, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Northmoor, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Line Creek	50th Terrace[1]	768
	50th Street[1]	768
	49th Terrace[1]	768
	49th Street[1]	767
	U.S. 69 & 169	766
East Creek	U.S. 69 & 169	772

[1] Extended.

(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. 78-699 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3411]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Pagedale, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Pagedale, St. Louis 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Pagedale, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Pagedale are available for review at City Hall, 1404 Ferguson Avenue, Pagedale, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Pagedale, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Northeast Branch, River Des Peres.	250 ft upstream from Pennsylvania Ave.	520
	Upstream side, St. Louis Belt and Terminal Railway.	543
Engelholm Creek	Norfolk & Western RR.	523
	210 ft upstream from Kingsland Ave.	533
	130 ft downstream from North Market Bridge.	543

(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. 78-700 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3146]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of University City, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of University City, St. Louis 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of University City, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of University City, are available for review at Planning and Development Department, City Hall, 4th Floor, 6801 Delmar, University City, Mo. 63130.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of University City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres.....	Downstream face of Pennsylvania Ave.	502
	Downstream face of Vernon Ave.	507
	Downstream face of foot bridge.	508
	Downstream face of Purdue Ave.	511
	Downstream face of Midland Blvd.	515
	Downstream face of Shaftesbury Bridge.	520
	Downstream face of Hanley Rd.	521
	Downstream face of North and South Blvd.	524
	Downstream face of Olive Blvd.	534
	At the confluence with southwest branch.	538
	At the downstream face of 82d Blvd.	540
	At the downstream face of Appelton Dr.	545
	At the downstream face of Kempland Pl.	549
Northeast branch of River Des Peres.	At the downstream face of Kingsland Ave.	502
	At the downstream face of Julian Ave.	507
	At the downstream face of Raymond Ave.	512
Northwest branch of River Des Peres.	At the downstream face of Canton Ave.	534
	At the downstream face of foot bridge at Wayne Ave.	537
	At downstream face of culvert outlet.	551
Southwest branch of River Des Peres.	At the culvert inlet.	539
	600 ft upstream from the culvert inlet.	540
	At the downstream face of McKnight Rd.	553
	At the upstream face of McKnight Rd.	559
	Downstream face of Spoon Dr.	565
	Upstream face of Spoon Dr.	573

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 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, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-701 Filed 1-13-77; 8:45 am]

[4210-01]

[Docket No. FI-3522]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Branchburg, Somerset County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Branchburg, Somerset County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Branchburg, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Branchburg, are available for review at Township Hall, 27 Cedar Grove Road, Branchburg, N.J.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Branchburg, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South branch Raritan River.	Woodfern Rd	85
	Elm St	77
	County Bridge 91 (Opie Rd).	69
	Studdiford Dr	63
Pleasant Run	Pleasant Rd	82
	South branch road (Route 567).	74
Holland Brook	U.S. Route 202	70
	South branch road (Route 567).	63
North branch Raritan River.	Burnt mill Rd (abandoned).	88
	N.J. 28	76
	U.S. Route 202	64
	Old York Rd (Route 567).	62
Lamington River	Lamington Rd	95
	Burnt mill Rd	89
Chambers Brook	Readington Rd	79
	Upstream Central RR of New Jersey.	78
	Downstream Central RR of New Jersey.	72

(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. 78-702 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3520]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Borough of Rutherford, Bergen County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Rutherford, Bergen County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Rutherford, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Rutherford, are available for review at Borough Hall, 176 Park Avenue, Rutherford, N.J.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Rutherford, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Upstream of Route 3.	14
	West of Insley Ave.	15
	Union Ave	15

(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. 78-703 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3294]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Ellicottville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ellicottville, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ellicottville, Cattaraugus County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ellicottville, Cattaraugus County, N.Y., are available for review at the Town Hall, 1 West Washington Street, Ellicottville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ellicottville, Cattaraugus County, N.Y. This final rule is issued in accordance with section 110 of the Flood disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the com-

munity or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Great Valley Creek.	Downstream Ellicottville town boundary.	1,510
	Chessie System	1,528
	Downstream Ellicottville Village boundary.	1,529
	Upstream Ellicottville Village boundary.	1,540
	Private road.....	1,544
	Chessie system	1,554

(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. 78-704 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-2958]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Endicott, Broome County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Endicott, Broome County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Endicott, Broome County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Endicott, Broome County, N.Y., are available for review at the Village Hall on the Bulletin Board, 1009 East Main Street, Endicott, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Endicott, Broome County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Southwest corporate limits.	827
	Exchange Ave. (extended).	830
	Madison Ave. (extended).	831
	Northeast corporate limits.	832
Nanticoke Creek ...	Disposal plant road.	829
	Duane Ave.....	829

(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. 78-705 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3233]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Ontario, Wayne County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ontario, Wayne County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ontario, Wayne County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the town of Ontario are available for review at the Ontario Town Hall, 1850 Ridge Road, Ontario, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ontario, Wayne County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek	Downstream of Driveway Bridge.	254
	Downstream of Ginna access road.	257
	Downstream of Farm Bridge.	261
	Upstream of Lake Rd.	268
	400 ft downstream from the Farm Bridge.	268
	100 ft downstream from Farm Bridge.	273
	Downstream of Slocum Rd.	296
	5,150 ft upstream from Slocum Rd.	332
	1,100 ft downstream from confluence with tributary.	348
	Downstream of Willits Rd.	362
	Downstream of Farm Bridge.	378
	Downstream of lake side.	384
	Downstream of Berg Rd.	388
	Downstream of ConRail.	421
	Upstream of the dam.	435
	Upstream of Ridge Rd.	440
	Downstream of Clevenger Rd.	456
	Downstream of Whitney Rd.	469
Bear Creek	100 ft downstream of Lake Rd.	249
	3,300 ft upstream of Lake Rd	271
	Downstream of Driveway Bridge.	312
	Upstream of Bear Creek Dr.	330
	550 ft downstream of Furnaceville Rd.	346
	Kenyon Rd.	388
	50 ft downstream of ConRail.	406
	250 ft downstream of Ridge Rd.	430
	20 ft downstream of Paddy Lane.	448
Dennison Creek	Upstream of Slocum Rd.	366
	Downstream of ConRail.	419
	50 ft downstream of Paddy Lane.	458
	Downstream of Whitney Rd.	476
Dennison Creek tributary.	Downstream of Slocum Rd.	411
	Downstream of ConRail.	416
	Downstream of Ridge Rd.	430
	2,440 ft upstream of Ridge Rd.	448
Fourmile Creek	Downstream of Farm Bridge.	405
	Downstream of county line road.	419

(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. 78-706 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3297]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Port Jervis, Orange County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Port Jervis, Orange County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Port Jervis, Orange County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Port Jervis, Orange County, N.Y., are available for review at the City Hall, 1418 Hammond Street, Port Jervis, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Port Jervis, Orange County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Delaware River	Downstream corporate limits.	431
	Interstate 84	531
	Pike St	442
	Upstream corporate limits.	451
Neversink River	Downstream corporate limits.	431
	Main St. (Tristates Bridge).	432
	ConRail	436
	Confluence of Cold Brook.	439
	Upstream corporate limits.	439
Cold Brook	Confluence w/ Neversink River.	439
	Beach Rd	440
	Hamilton St.	440
	Confluence of tributary A.	440
	Abandoned RR Bridge.	440
	Kingston Ave	441
	Corporate limits	441
Tributary A	Confluence with Cold Brook.	440
	Abandoned RR Bridge.	440
	Kingston Ave	444
	Glass St	454
	Canal St	464
	Brooklyn St	472
	Orange St	485
	Hudson St	504
	Cedar St	517
	Reservoir Bridge	540
	Access Rd. Bridge	561
	Corporate limits	571
Tributary B	Driveway Bridge (downstream).	513
	Driveway Bridge (upstream).	544
	Corporate limits	574

(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. 78-707 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-2808]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Somerset, Niagara County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Somerset, Niagara County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Somerset, Niagara County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Somerset, Niagara County, N.Y., are available for review at the Town Clerk's Office, 1693 Quaker Road, Barber, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Somerset, Niagara County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individual to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Golden Hill Creek.	Downstream corporate limits.	263
	Carmen Rd., 1st crossing.	272
	Lower Lake Rd.....	275
	Carmen Rd., 2d Crossing.	277
	Carmen Rd., 3d Crossing.	300
	Lake Rd	316
	Johnson Creek Rd.	324
	Haight Rd	324
	Barker corporate limits downstream.	325
	Barker corporate limits upstream.	328
	ConRail	331
	1st tributary downstream of Harland Rd.	333
	Hartland Rd. (downstream side).	337
	Hartland Rd. (upstream side).	339
	W. Somerset Rd...	340
	Hosmer Rd.....	354
Fish Creek.....	At Lake Ontario...	250
	800 ft upstream of mouth.	252
	100 ft downstream of Lower Lake Rd.	257
	Lower Lake Rd.....	265
Lake Ontario	From west corporate limit, distance 18,700 ft.	254
	From 18,700 ft to 37,000 ft from west corporate limits.	253
	From 37,000 ft to east corporate limit.	254

(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. 78-708 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3301]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Marshall, Madison County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Marshall, Madison County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Marshall, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Marshall, are available for review at Town Hall, Marshall, N.C.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Marshall, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
French Broad River.	Capitola Dam[1].....	1,652
	Capitola Dam[2].....	1,648
	Redmon Dam[1].....	1,629
	Redmon Dam[2].....	1,601

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 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, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-709 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3384]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Newport, Carteret County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Newport, Carteret County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Newport, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Newport, are available for review at Town Hall, Newport, N.C.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Newport, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Newport River	State Road 1247	7
	U.S. 70	7
Blakes Branch (Newport River).	State Road 1140	7
Cedar Swamp Creek (Newport River).	do	7
Little Deep Creek (Newport River).	At extra-territorial boundary.	7
Deep Creek (Newport River).	State Road 1154	7
	State Road 1137	7
Snows Swamp Branch (Newport River).	100 ft downstream of Atlantic and East Carolina RR.	7

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-710 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3424]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Niles, Trumbull County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Niles, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Niles, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Niles, are available for review at City Hall, 34 West State Street, Niles, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Niles, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning River	South Main St	861
	ConRail	861
	Belmont Ave	860
	McDonald Highway (Olive St.).	859
Meander Creek	Chessie System	861
	Route 46	861
Mosquito Creek	Route 422	868
	Federal St	866
	Robbins Ave	863
	ConRail (near Mahoning and Robbins Ave.).	863
	Private bridge	863
	Chessie System	861
	East Park Ave	861
	ConRail (near mouth of Mosquito Creek).	861

(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. 78-711 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3157]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Manzanita, Tillamook County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Manzanita, Tillamook County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manzanita, Oreg.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manzanita, are available for review at City Hall, 543 Laneda Avenue, Manzanita, Oreg.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Manzanita, Oreg.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	Ocean Rd. at Washington Ave.	29
	Beach St. at Halley Lane.	27
	Beach St. at Beeswax Lane.	26

(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. 78-712 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3159]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Tillamook, Tillamook County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Tillamook, Tillamook County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Tillamook, Oreg.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Tillamook, are available for review at City Hall, Third Street, Tillamook, Oreg.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Tillamook, Oreg.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 of 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hoquarton Slough	Hoquarton Slough Bridge (Highway 101).	11
Trask River.....	Tone Bridge.....	16
	11th St (east of Highway 101).	16
	Miller Ave	16

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-713 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3274]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Sewickley, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Sewickley, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Sewickley, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Sewickley, Westmoreland County, Pa., are available for review at the Lobby Bulletin Board, Sewickley Township Municipal Building, Mars Hill Road, Herminie, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Sewickley, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Youghiogheny River.	Guffy Hollow Rd tributary.	759
	Across from Buena Vista.	761
	At Scott Haven.....	764
	Across from Blythedale upstream corporate limits.	765
	Along L. R. 64258.	769
Sewickley Creek....	From Youghiogheny River to 2,000 ft above Speer St.	769
	State Route 153 (downstream crossing).	907
	ConRail Bridge (downstream crossing).	912
	State Route 153 (upstream crossing).	914
	ConRail Bridge (upstream crossing).	916
	I-70.....	918
	State Route 100 ...	922
Little Sewickley Creek.	State Route 113 ...	865
	Greenhills Rd.....	878
	Irwin-Herminie Rd.	883
	Township Route 398.	901
	ConRail (1st crossing).	911
	ConRail (2d crossing).	918
	ConRail (3d crossing).	930
	Upstream corporate limits.	935
Tributary No. 1 to little Sewickley Creek in Northern Sewickley Township.	1,200 ft downstream of Township Route 345.	951
	700 ft downstream of Township Route 345.	956
	Just downstream of Township Route 345.	962
	Just upstream of Township Route 345.	964
	1,000 ft upstream of Township Route 345.	970
	At private drive crossing stream 1,600 ft upstream of Township Route 345.	976
	300 ft above private drive.	978

(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. 78-714 Filed 1-13-78; 8:45 am]

[Docket No. FI-2998]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Atlantic Beach, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Atlantic Beach, Horry County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Atlantic Beach, Horry County, S.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Atlantic Beach, Horry County, South Carolina, are available for review at the Atlantic Beach Town Hall, 301 30th Drive, South, North Myrtle Beach, S. Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Atlantic Beach, Horry County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	South of 1st Ave	13
	Part of area between 1st and 2d Ave.	13

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-715 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3242]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Allen, Collin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Allen, Collin County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Allen, Collin County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Allen, Collin County, Tex., are available for review at City Hall, Allen, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Allen, Collin County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	Upstream of Greenville Ave. (State Highway 5).	576
	Upstream of Rowlett Dr.	622
Cottonwood Creek.	Downstream of Jupiter Rd.	603
	Upstream of Main St. (Farm Rd. 2170).	611
	Upstream of Stacey Rd.	655
Stream 2G1	Upstream of Allen Heights Dr.	622
	Upstream of Main St. (Farm Rd. 2170).	649
Stream 2G2	Jupiter Rd	602
	Upstream of Greenville Ave. (State Highway 5).	628
Stream 2G3	Upstream Southern Pacific RR.	645
	Allen Dr	652
Stream 2D15	Upstream of Chapperal Rd.	598
Stream 2D16	Approximately 0.8 mi south of Bethany Rd. at the crossing of an unnamed road.	601
Watters Branch	Upstream of Main St. (Farm Road 2170).	617
	Upstream of Rowlett Dr.	649
	Downstream of State Highway 121.	693
Stream 2F1	Upstream of Main St. (Farm Road 2170).	646
West Rowlett Creek.	Downstream of State Highway 121.	641
Russell Creek	Downstream of Custer Rd.	655

(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. 78-716 Filed 1-13-78; 8:14 am]

[4210-01]

[Docket No. FI-3391]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Morrisville, Lamoille County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Morrisville, Lamoille County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Morrisville, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Morrisville, are available for review at Village Hall, Morrisville, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for the village of Morrisville, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boardman Brook	Wards Pond Dam.	630
	Cottage St	613
	Vermont Route 100.	613
Lamoille River	Vermont Northern RR.	639
	Bridge St	637
	Morrisville Dam	635

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 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, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-717 Filed 1-13-77; 8:45 am]

[4210-01]

[Docket No. FI-3389]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Northfield, Washington County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Northfield, Washington County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Northfield, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Northfield, are available for review at Municipal Building, Main Street, Northfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Northfield, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed critieria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national gebdetic vertical datum
Dog River	Wall St	728
	Central Vermont RR.	724
	Main St	722
Union Brook	Pleasant St	733
	Water St	728

(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. 78-718 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3002]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Waitsfield, Washington County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Waitsfield, Washington County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Waitsfield, Washington County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Waitsfield, are available for review at Town Clerk's Office, Joslin Library, Waitsfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Waitsfield, Washington County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River	Town highway No. 8.	645
	Town highway No. 15.	672
	Town highway No. 22.	695
	Vermont Route 100.	721
	Town highway No. 29.	767
Shepard Brook	Vermont Route 100.	639
Mill Brook	do	717
Folsom Brook	do	765

(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. 78-719 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-2914]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Fincastle, Botetourt County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Fincastle, Botetourt County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Fincastle, Botetourt County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Fincastle, Botetourt County, Va., are available for review at the Town Office, Fincastle, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Fincastle, Botetourt County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch	Main St	1,199
	Murray St. (extended).	1,202
	South corporate limits.	1,203

(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. 78-720 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3248]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Henderson, Mason County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Henderson, Mason County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Henderson, W. Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Henderson, are available for review at Town Hall, Henderson, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Henderson, W. Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Silver Memorial Highway.	570
Kanawha River	New York Central RR.	570
	West Virginia State Route 2.	570

(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.

PARTICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-721 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3313]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Point Pleasant, Mason County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Point Pleasant, Mason County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Point Pleasant, W. Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Point Pleasant, available for review at Municipal Building, 400 Viand Street, Point Pleasant, W. Va.

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 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Point Pleasant, W. Va. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	New York Central RR.	570
Kanawha River	do	570
	West Virginia State Route 2.	570

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 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, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-722 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3315]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Butler, Waukesha County, Wisc.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Butler, Waukesha County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Butler, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Butler, are available for review at Village Hall, 12621 West Hampton Avenue, Butler, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Butler, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menominee River	North 12th St	710
	West Silver Spring Rd.	723
	Silver Spring Rd	724

(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. 78-723 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3316]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Campbellsport, Fond du Lac County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Campbellsport, Fond du Lac County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Campbellsport, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Campbellsport, are available for review at Village Hall, 177 Main Street, Campbellsport, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Campbellsport, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Upper Milwaukee River.	Dam	998
	Main St	990
	New Cassel St	986

(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. 78-724 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3317]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Greenfield, Milwaukee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Greenfield, Milwaukee County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Greenfield, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Greenfield, are available for review at City Hall, 7325 West Forest Home Avenue, Greenfield, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Greenfield, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Root River	Morgan Ave	730
	Beloit Rd	727
	108th St. (State Trunk Highway 100).	726
	Cold Spring Rd	724
	State Trunk Highway 15 South (U.S. Highway 45).	723
	State Trunk Highway 15 North (U.S. Highway 45).	723
	Layton Ave. (County Trunk Highway "Y").	722
	Abandoned railroad bridge.	722
	Forest Home Ave. (State Trunk Highway 34).	721

(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. 78-725 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3319]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Gillette, Campbell County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Gillette, Campbell County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Gillette, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gillette, are available for review at City Hall, 400 South Gillette Avenue, Gillette, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determination of flood elevations for the City of Gillette, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stone Pile Creek ...	U.S. Highways 14 and 16 (upstream side).	4,576
	Burlington Northern RR Bridge (river mile 5.62).	4,563
	Burlington Northern RR Bridge (river mile 3.73).	4,537
	Interstate 90	4,505
East Branch	Upstream limit	4,533
	Downstream limit	4,528
West Branch	Upstream limit	4,574
	Downstream limit	4,559
Donkey Creek tributary.	36-in concrete pipe (4-J Rd).	4,540
	Twin 48-in concrete pipe (Douglas Ave).	4,525
	Twin 48-in concrete pipe (river mile 0.23).	4,524
	Twin 48-in concrete pipe (river mile 0.14).	4,523
	Twin 48-in concrete pipe (Lakeway County Rd).	4,522
	Twin 48-in concrete pipe (river mile 0.04).	4,521

(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. 78-726 Filed 1-13-78; 8:45 am]

federal register

MONDAY, JANUARY 16, 1978
PART IV



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRWORTHINESS REVIEW PROGRAM

Flight Amendments

[4910–13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 14684 and 14324; Amendment Nos. 1–29; 21–46; 23–21; 25–42; 27–14; 29–15; 91–145 and 121–1381]

AIRWORTHINESS REVIEW PROGRAM

Amendment No. 6: Flight Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Federal Aviation Regulations is to update and improve—(1) the airworthiness standards applicable to aircraft performance, flight characteristics, flight manuals, and operating limitations; (2) the operating rules containing related airworthiness standards; and (3) the rules governing holders of type certificates. These amendments are part of the Airworthiness Review Program.

EFFECTIVE DATE: MARCH 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Adolfo O. Astorga, Airworthiness Review Branch (AFS–910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755–8714.

SUPPLEMENTARY INFORMATION: These amendments are the sixth in a series of amendments to be issued as part of the Airworthiness Review Program. The following series of amendments have previously been issued as part of this Airworthiness Review Program:

Title	*FR citation*
Form number and clarifying revisions.	(40 FR 2576; Jan. 14, 1975).
Rotorcraft anticollision light standards.	(41 FR 5290; Feb. 5, 1976).
Miscellaneous amendments.	(41 FR 55454; Dec. 20, 1976).
Powerplant amendments.	(42 FR 15034; March 17, 1977).
Equipment and systems amendments.	(42 FR 36960; July 18, 1977)

These amendments are based on two Notices of Proposed Rule Making—Notice 75–10 published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10802); and Notice 75–25 published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24664). The amendments based on Notice 75–10 were deferred in the series of amendments titled "Miscellaneous Amendments" so that they could be considered with the final disposition of certain proposals in Notice 75–25. The discussions of the comments received for the deferred proposals are included under the heading of the related Notice 75–25 proposals.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review within the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and the reasons for them are the same as those contained in Notices 75–10 and 75–25.

DISCUSSION OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 75–25.

Proposal 6–1. No unfavorable comments were received on the proposal to amend § 1.1 by deleting the term "Accelerate-stop distance" and its definition. Accordingly, the proposal is adopted without substantive change.

Proposal 6–2. For a comment related to the proposal to amend § 1.2, see Proposal 6–34.

Proposal 6–3. One commentator suggested that proposed new § 21.5 concerning Airplane and Rotorcraft Flight Manuals be revised to make clear that other titles for the required Flight Manual, such as Pilot's Operating Handbook, will continue to be approved. The FAA has no objection to the use of the term Pilot's Operating Handbook as the main title. However, if an applicant chooses to use the title Pilot's Operating Handbook, he must include a statement on the title page indicating that the document is the FAA-required Airplane or Rotorcraft Flight Manual.

The same commentator pointed out that on airplanes of types for which Flight Manuals were not furnished in the past, much of the required information was furnished on placards and markings, and that, if this proposal is adopted, some of the placards would no longer be needed but would still be part of the airplane's certification basis. The FAA agrees that some placards may not be necessary after the information is furnished in a Flight Manual. However, application may be made to change the type design if the applicable regulations only require that the material be in either a Flight Manual or in any combination of approved manual materials, markings, and placards.

The same commentator also stated that proposed § 21.5(b) would penalize airplanes that were designed and tested to temperatures higher than the hot day condition prescribed in § 23.1043(b)(1). The FAA does not agree because the temperature for which cooling was demonstrated would be furnished in the Flight Manual as information, not as a limitation. It should be noted that, in response to Proposal 6–29, this commentator stated that there is no objection to furnishing the test temperature if it is not a limitation.

Two commentators stated that it should be made clear that, for rotorcraft originally certificated with a flight manual, the manual originally approved need not be revised to include the new requirements of this proposal. The FAA does not believe a revision is necessary since proposed § 21.5(b), in conjunction with proposed § 21.5(a), refers only to airplanes or rotorcraft that were not type certificated with an Airplane or Rotorcraft Flight Manual.

Another commentator said that requiring Flight Manuals to be furnished for aircraft previously type certificated without a Flight Manual places too large a burden on the holders of these type certificates. The FAA does not agree since the information to be included in the Flight Manual has already been furnished in other forms. In addition, a Flight Manual would provide the operator with essential information in a consolidated, organized form suitable for study and reference. The FAA believes that these benefits outweigh the burden of preparing and printing the Manual.

One commentator, who concurred with the proposal, recommended that the turbulent air penetration speed, least angle of glide speed, and least rate of descent speed (power off) be added to the required information. These are specific requirements which are not applicable to all categories of aircraft and the FAA does not believe they should be included in the rule.

The phrase "maximum anticipated air temperature" in proposed § 21.5(b)(2) is deleted and the phrase "maximum ambient atmospheric temperature" is inserted in its place to be consistent with Proposal 6–20 to amend § 23.1043 and the corresponding proposals for the other certification parts, which are being adopted in this series of amendments.

The proposal to add a new § 21.5 is adopted with the revision discussed above.

Proposal 6–4. For comments related to the proposal to amend § 23.25(b), see Proposal 6–5. The proposal to amend § 23.25(b) is adopted without substantive change.

Proposal 6–5. One commentator objected to the proposal to amend § 23.29, which would require the empty weight to be determined with "full" operating fluids, on the ground that this procedure would eliminate the option of "off loading" oil in order to maintain weight and center of gravity limits. The FAA does not agree. This option would not be eliminated by proposed § 23.29 since it merely establishes a new reference basis for empty weight. The same commentator stated that since this proposed rule is not retroactive, confusion will result because some aircraft will have oil included in the weight and balance and others will not. This commentator also suggested that the use of the same definition of empty weight by the FAA and the military would eliminate the difficulties encountered by pilots operating both military and civil aircraft. The FAA does not believe that the proposed change will cause confusion or difficulty in either situation cited by the commentator since

the weight and balance data accompanying each airplane will specify whether oil is included in the empty weight. Further, this procedure should simplify weight and balance computations since fluids normally included will be accounted for without further additions to the empty weight.

One commentator objected to the proposals to amend §§ 27.29 and 29.29 on the ground that there is no benefit to be gained by changing the definition of empty weight. The FAA does not agree with this comment for the reasons stated in the Notice for these proposals. This commentator further objected to the proposal to amend § 27.29 on the ground that it would create a problem for helicopters that have a larger oil tank capacity than is required under all conditions, such as helicopters designed to accept auxiliary fuel tanks. The option of off-loading oil would not be eliminated by proposed § 27.29. In addition, the FAA believes that the change will accomplish its purpose of simplifying weight and balance computations for the great majority of helicopters.

Several commentators on the proposal to amend § 25.29 noted that the proposed rule would require certain fluids which, in transport category airplanes, are variable as a function of individual operator or mission requirements and of passenger seating density (such as potable water and lavatory pre-charge fluids) to be included in the empty weight. It was suggested that an exception be provided for those fluids that vary with operation or mission as well as those that are expendable in flight such as water intended for injection in the engines. The FAA believes that exceptions for the specific fluids noted are warranted for airplanes, but the FAA does not believe that an exception is appropriate for potable water or lavatory pre-charge water for rotorcraft. The proposals to amend §§ 23.29 and 25.29 are revised accordingly.

Proposal 6–6. A commentator objected to the proposed change to § 23.45, stating that a requirement to correct the performance to 80 percent relative humidity is not necessary, that it would increase the cost and complexity of certification without any increase in safety, and that it will create a new standard atmosphere that will result in confusion as to the basis for engine performance data. The power loss that is associated with changing from dry air to air at 80 percent relative humidity would cause a significant reduction in the climb performance of a reciprocating-engine powered airplane and should be considered. This reduction would be most evident where performance is marginal, e.g., during one-engine-inoperative climb. With regard to turbine engines, the FAA believes that the effect of humidity may be negligible on some types of engines, in which case no performance correction would be necessary. However, for some other types of turbine engines, a correction for humidity will increase the accuracy of the performance data. The FAA believes that the data required for making the corrections can be obtained simply and with inexpensive instrumentation. Further, the FAA does not believe that requiring a correction for humidity in the performance data for newly type-certificated airplanes will result in confusion. A transition period may exist during which the performance data for newly type-certificated airplanes will be corrected for humidity and that for other airplanes may not be. Such transition periods inevitably occur with the adoption of new regulatory provisions and the FAA does not believe that the transition in this case will present a significant problem.

The commentator further stated that present performance measurement accuracy is within the range of uncontrolled airplane-to-airplane variations, atmospheric variations other than humidity, and piloting variations, and that eliminating one variable whose effect is within the spread of other variables is not justifiable on a simple cost-benefit analysis. The FAA does not agree that the humidity correction should be omitted on the basis of conjecture that other variables may mask its effect. Certification flight testing is not allowed when atmospheric variables would affect data accuracy, and tests must be repeated as necessary to establish confidence in data accuracy.

In regard to the burden of correcting for humidity in type certification, the FAA believes that it should in many cases humidity is not significant or that it is covered by a conservative correction factor. Correction of performance data to standard atmospheric conditions of temperature and pressure is required in any case, and an additional correction for humidity should be a relatively small burden.

The proposal for § 23.45 is adopted without substantive change.

Proposal 6–7. No unfavorable comments were received on the proposal to amend § 23.49. Accordingly, the proposal is adopted without substantive change.

Proposal 6–8. One commentator suggested that, for consistency with certain foreign requirements, proposed §§ 23.51 (c)(1)(ii) and (c)(2)(i) should be revised to read 1.2 V_{S_1}, instead of 1.3 V_{S_1}. The FAA does not believe that the recommended change is necessary. Proposed §§ 23.51 (c)(1)(ii) and (c)(2)(i) already provide for a speed less than 1.3 V_{S_1}.

The first commentator also stated that proposed § 23.51(c)(1)(ii) should be revised so that it refers to the complete failure of a single engine (on multiengine airplanes) instead of complete engine failure which would introduce a double failure concept not inherent in these rules. The FAA does not agree. Proposed § 23.51(c)(1)(ii), which is consistent with current § 23.51(a)(2)(ii) in this regard, only requires that "complete engine failure" be investigated if a speed of less than 1.3 V_{S_1} is demonstrated at a height of 50 feet. In addition, current § 23.51(a)(2)(ii) has been consistently interpreted to require that for multiengine airplanes which meet the powerplant isolation requirements of § 23.903 (c) in the takeoff configuration, only one engine need be made inoperative in the specified investigations.

One commentator objected to the extension of takeoff performance determination requirements to airplanes of 6,000 pounds and less maximum weight, for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3.

Another commentator recommended that those provisions of the existing rule which relate to nosewheel and tailwheel liftoff speeds be retained and that their applicability be extended to all airplanes. These provisions were originally imposed in lieu of a requirement for approved takeoff performance data for airplanes of 6,000 pounds and less maximum weight. In view of the requirements which are being adopted, and in view of satisfactory service history for airplanes of more than 6,000 pounds maximum weight, the FAA does not believe these provisions should be retained or that their applicability should be extended to all airplanes.

The proposal to revise § 23.51 is adopted without substantive change.

Proposal 6–9. One commentator objected to the application of proposed § 23.65, concerning all-engines operating climb requirements, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3.

Another commentator stated that use of a reduced propeller pitch under proposed § 23.65(b) is not consistent with safety requirements, because it would either deny the pilot performance in actual operation or the protection of limiting the engine to a safe speed. The FAA does not agree. Present § 23.33 defines the pitch and speed limitations for propellers which are to be used in service. Proposed § 23.65(b), which is identical to the present § 23.65(a)(2), merely authorizes the use of a special test propeller pitch setting if it is necessary to obtain rated engine r.p.m. at V_x.

In proposed § 23.65(c), reference to the airplane configuration was inadvertently omitted. The configuration should be the same as that specified in proposed § 23.65 (a), and proposed 23.65(c) is therefore revised to state that the climb gradient is to be met with the airplane in the configuration prescribed in paragraph (a). In addition, § 23.65(a)(4) is revised to cover means other than cowl flaps for controlling the engine cooling air supply. This change is necessary to provide for turbine engines. The proposal to revise § 23.65 is adopted with the revisions discussed above.

Proposal 6–10. One commentator suggested that a speed to be used in calcu-

lating the climb gradients should be specified in proposed § 23.67(c) for purposes of uniformity, but did not make a specific proposal. The FAA believes that the applicant should be allowed to select a climb speed if the airplane meets the minimum gradient and rate of climb at that speed. The proposal to amend § 23.67 is adopted without substantive change.

Proposal 6–11. One commentator objected to the application of proposed § 23.75, concerning landing distance requirements, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3. This commentator also stated that proposed § 23.75(e), concerning wheel brake pressures, is a design requirement and should therefore be placed in Subpart D of Part 23. The FAA does not agree because proposed § 23.75(e) refers to the pressures used in determining the landing performance. The commentator further suggested that the FAA should consider issuing advisory material as to what is considered safe and reliable under proposed § 23.75(f). The wording of proposed § 23.75(f) is the same as that of present § 25.75(b)(3), and this wording has been administered without difficulty for many years. However, the FAA will consider issuing advisory material at a future date if the need is shown.

Another commentator stated that he would not support the inclusion of reverse thrust as an acceptable "other means" of retarding the airplane in determining the landing distance under proposed § 23.75(f), because the landing distance is demonstrated on a dry runway with no provision for a field length factor. The FAA agrees that the effect of wet runways would have to be taken into account in any determination that a means of retarding the airplane is safe and reliable and that consistent results can be expected in service use. It should be noted that proposed § 23.1587(a)(6) (Proposal 6–31), as adopted, requires that the kind of surface used in the landing distance tests be described in the Airplane Flight Manual. The proposal to revise § 23.75 is adopted without substantive change.

Proposal 6–12. One commentator objected to the application of proposed § 23.77, concerning balked landing performance, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3. Proposed § 23.77 is adopted without substantive change.

Proposals 6–13 and 2–6. One commentator stated that the option in proposed (and current) § 23.149(a) for the applicant to choose zero yaw or an angle of bank is inconsistent because straight flight with zero yaw (zero sideslip) can only be achieved with some degree of bank. The FAA agrees that bank may be needed to establish straight flight with zero yaw following the failure of a powerplant at low airspeed. The proposed language is the same as that of the current rule and an angle of bank of up to 5 degrees to maintain straight flight has been allowed under the current rule. The directional controllability that must be provided for compliance with §§ 23.147 and 23.205 ensures that bank angles up to 5 degrees under these flight conditions will not be accompanied by excessive yaw angles. Certain design or control features may influence the use of roll control immediately following the failure of a powerplant. Therefore, the proposal (as well as the current rule) allows reference to a zero yaw angle, without bank, for determining the V_{MC} of airplanes which incorporate such features.

Section 23.149(a) is revised in accordance with the discussion of Proposal 6–41 with respect to the modes of failure which must be simulated in demonstrating V_{MC}. The revision requires that the method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability that is expected in service, rather than (all) modes of powerplant failure expected in service.

Proposal 2–6 to amend § 23.149(b) (Notice 75–10) was reproposed in Proposal 6–13 for the purpose of clarity. No unfavorable comments were received on proposed §§ 23.149 (b), (c), and (d), and they are adopted without substantive change.

Proposal 6–14. One commentator objected to the application of proposed § 23.161 to airplanes of 6,000 pounds and less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3.

Since § 23.21(a) requires that each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested, proposed § 23.161(c)(2)(ii) is revised by deleting the reference to center of gravity and proposed § 23.161(c)(2)(iii) is withdrawn.

Proposal 6–15. No unfavorable comments were received on the proposal to amend § 23.177. Accordingly, the proposal is adopted without substantive change. For comments related to the proposal to amend § 23.177, see Proposal 6–16.

Proposal 6–16. One commentator objected to proposed § 23.181(b), which would require that short period lateral or directional oscillations and combined lateral-directional oscillations ("Dutch roll") be damped to $\frac{1}{10}$ amplitude in 7 cycles. The commentator stated that this proposal is more stringent with regard to combined lateral-directional oscillations than proposed § 25.181 (Proposal 6–43) and that proposed § 25.181 retains certain necessary requirements for other short period oscillations that are not contained in proposed § 23.181. Proposed § 25.181(a) would require that oscillations other than combined lateral-directional oscillations be heavily damped, and proposed § 25.181(b) would require combined lateral-directional oscillations to be positively (but not heavily) damped. The FAA agrees that a similar distinction should be made in § 23.181 between combined lateral-directional ("Dutch roll") oscillations and other longitudinal, lateral, and directional oscillations.

Current §§ 23.177 (a)(4) and (b)(3) (which are deleted by Proposal 6–15) require any short period lateral or directional oscillation to be heavily damped. After considering the comment and after further review, the FAA believes that the current requirement for heavy damping should be retained for short period lateral and directional oscillations other than "Dutch roll" (combined lateral-directional) oscillations. With respect to combined lateral-directional oscillations, the FAA believes that these oscillations do not need to be heavily damped and that the proposed requirement for Part 23 airplanes would provide a satisfactory damping ratio.

The FAA believes the difference between Part 23 and Part 25 requirements with respect to combined lateral-directional oscillations is justified since airplanes certificated under Part 25 have very large variations in size, weight, and moment of inertia, which affect the lateral-directional characteristics and pilot reaction to these characteristics. The FAA therefore believes that it is appropriate that the damping requirement in § 25.181(b) be stated in general terms, as reflected in Proposal 6–43.

The proposal to amend § 23.181 is adopted with the revisions discussed above.

Proposal 6–17. Proposed new § 23.183 would establish a limit on the rate of spiral divergence by requiring that the angle of bank may not increase to more than 40 degrees in less than 12 seconds after the controls are released in a 20-degree banked turn under specified conditions. One commentator objected to the proposal stating that no need had been shown for the proposal and that the tests referred to in the notice were not definitive. After comparing available data on the subject of spiral divergence, the FAA believes that rulemaking on this subject is premature. Accordingly, the proposal to add a new § 23.183 is withdrawn.

Proposal 6–18. Many comments were received on the proposal to amend § 23.221. In view of the conflicting views expressed in these comments, and after further consideration by the FAA, the FAA believes that the proposal to amend § 23.221 is premature, and it is withdrawn.

Proposal 6–19. One commentator stated that the proposal to amend § 23.729(f)(1) is redundant and that the requirement proposed is already in effect. The FAA does not agree with the comment for the reasons stated in the notice.

The proposal to amend § 23.729(f)(1) is adopted as proposed except that the last three words, "the aural warning", of the proposed sentence are replaced with

the words "the warning device" so that the wording of the sentence is consistent with the remainder of § 23.729(f).

For other comments related to the proposal to amend § 23.729, see Proposal 6–51.

Proposal 6–20. For comments related to the proposal to revise § 23.1043(b), see Proposal 6–23.

Proposal 6–21. One commentator objected to the proposal to amend § 23.1047 for reasons stated in his comments on Proposal 6–3, concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3. The proposal to amend § 23.1047 is adopted without substantive change.

[For discussion concerning new § 23.-1353(g), see Proposals 6–57 and 2–87.]

Proposal 6–22. No unfavorable comments were received on the proposal to revise § 23.1501. Accordingly, the proposal is adopted without substantive change.

Proposal 6–23. The proposal to revise § 23.1521(e) is one proposal in a series of proposals on powerplant cooling requirements and ambient temperature operating limitations and information for Parts 23, 25, 27, and 29 aircraft. This series consists of proposals 6–20, 6–23, 6–29, 6–52, 6–54, 6–56, 6–68, 6–71, 6–74, 6–82, 6–85, and 6–88.

Proposed § 23.1521(e) in conjunction with proposed § 23.1043(b) (Proposal 6–20) would require that an ambient temperature operating limitation be established as the maximum atmospheric temperature at which compliance with the powerplant cooling requirements is shown. In response to these proposals, one commentator stated that no justification for safety or other reasons has been presented for establishing the proposed operating limitations, and that he believes that no safety justification exists. The commentator also stated that the FAA cooling tests and correction factors are very conservative, that it would be necessary to correct cooling tests to at least the equivalent of 125 degrees F at sea level to avoid restrictive operating limitations, and that this would result in increased cooling drag and poorer performance. Another commentator, in regard to proposed § 27.1521(f) (Proposal 6–71), also stated that an ambient temperature limitation has not been shown to be necessary.

After considering these comments, and after further review, the FAA believes that it does not now have enough information to justify the proposed requirements for reciprocating engines in Part 23 airplanes and Part 27 rotocraft. However, because of the differences between reciprocating and turbine engine installations, particularly in regard to engine components and accessories, and because of the effects of high temperature operation on turbines, Part 23 already requires the establishment of ambient temperature limitations for turbine engines, and for the same reasons the FAA believes that ambient temperature limitations for turbine engines should also be established for Part 27 helicopters. Parts 25 and 29 already require temperature limitations for reciprocating engines (as well as turbine engines) because the reciprocating engines in these aircraft are generally more complex than those used in Part 23 and Part 27 aircraft.

Accordingly, proposed §§ 23.1521(e) and 27.1521(f) are revised to require the establishment of ambient atmospheric temperature limitations for turbine but not for reciprocating engines and proposed §§ 25.1521(e) and 29.1521(e) are adopted without substantive change. In addition, proposed §§ 23.1043(b), 25.1043(b), 27.1043(b), and 29.1043(b), as adopted, are revised to omit the reference to a limitation on the operation of the aircraft, since the establishment of ambient temperature operating limitations is prescribed in proposed §§ 23.1521(e), 25.1521(e), 27.1521(f), and 29.1521(e). For reciprocating engines, §§ 23.1587 and 27.1587 are revised to require that the maximum ambient air temperature for which compliance with the engine cooling requirements was shown must be included in the performance information section of the Flight Manual.

One commentator recommended that the 100-degrees F minimum in proposed § 25.1043(b) be deleted, since the ambient temperature at which compliance with the cooling requirements is shown becomes an operating limitation on the airplane and airworthiness is not affected as long as the limitation is followed. The FAA believes that the 100-degree F minimum is appropriate since a lower temperature would be impractical and unrealistic considering summer operations in the United States. It should be noted that an exception to the minimum is provided for winterization installations.

This commentator also stated that the explanation for proposed § 25.1043(b) implies that only a test demonstration at 100 degrees F or higher is acceptable. This is incorrect. Section 23.1043(a)(1) and corresponding provisions in Parts 25, 27, and 29 clearly indicate that tests may be conducted under other conditions and corrected to the prescribed conditions.

One commentator recommended the deletion of the requirements in proposed §§ 27.1583(b) and 29.1583(b) for an explanation of the powerplant limitations in the Airplane Flight Manual, since such explanations would be redundant. A similar comment was received in response to proposed § 25.1583(b). The intent of the proposals was not to require an explanation of each limitation. A separate explanation would not be necessary for a limitation that is self-explanatory. For clarification, proposed §§ 23.1583(b)(2), 25.1583(b)(2), 27.1583(b)(2), and 29.1583(b)(2) are revised to require an explanation of limitations "when appropriate."

In regard to proposed § 23.1583(b), one commentator stated that contrary to the FAA statement in the notice, the establishment of the test temperature as a limitation has not been required in the past and should not be a limitation. The FAA disagrees. Current § 23.1583(j) requires that, for turbine engines, the temperatures used in the climb test prescribed in § 23.1043(b)(2), be furnished as operating limitations in the Airplane Flight Manual. Proposed § 23.1583(b) merely makes it clear that any operating limitations that are established under § 23.1521 must be furnished in the Airplane Flight Manual. In view of the adoption of proposed § 23.1583(b) as revised, § 23.1583(j) is deleted and marked "Reserved."

With regard to the proposal to amend § 25.1583 (Proposal 6–56), one commentator recommended the deletion of proposed paragraph (b)(3) concerning powerplant limitations, and paragraph (i) concerning maneuvering load factors. The commentator stated that if the engine instrument markings have to be changed, it should be handled by a service bulletin. The FAA does not agree. The relation between the powerplant limitations and the instrument markings should be explained in the Manual. The commentator also stated that the load factor (number) is meaningless to the pilot as he cannot determine what it is during a pull-up maneuver. He stated that correlation with bank angle is acceptable, but that transport aircraft do not exceed 60 degree bank angles. The FAA believes that the maneuvering load factor should be retained in the Flight Manual because it is established as an operating limitation under § 25.1531, and the correlation with bank angle provides useful information to the pilot concerning the strength limitations of the airplane.

The proposals to amend §§ 23.1583, 25.1583, 27.1583 and 29.1583 are adopted with the revision discussed above.

For consistency in the terminology used in the cooling tests requirements, a nonsubstantive change is being made to §§ 23.1043(a)(1), 23.1043(d), 27.1043(a)(1), 27.1043(d), 29.1043(a)(1), and 29.1043(d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature".

Proposal 6–24. One commentator objected to proposed § 23.1523, which concerns the establishment of the minimum flight crew, stating that it is not necessary to make all aircraft conform to the requirements of Part 25. The FAA believes that proposed § 23.1523 specifies the appropriate requirement that should be considered in determining the minimum flight crew for Part 23 airplanes.

Another commentator said that specification of minimum crew is an operational item that may vary with the type of operation, e.g., for compensation or hire which by law must be conducted in accordance with the highest standards. He concluded that rules specifying the number of crew members for specific operations should be in the operating regulations. The FAA agrees that certain rules concerning the number of crew members properly belong in the operat-

ing rules, and this is done, for example, in Subpart M of Part 121. However, under current § 23.1523, the minimum crew is established for VFR only, without requiring consideration of the additional crew duties that arise when IFR operations are authorized. These duties may be imposed by the design and operating characteristics of the aircraft and by its installed equipment. The FAA believes that they must therefore be evaluated during the type-certification process. The proposal to revise § 23.1523 is adopted without substantive change.

Proposal 6–25. One commentator objected to proposed § 23.1541 concerning placards in airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3. Proposed § 23.1541 is adopted without substantive change.

Proposal 6–26. One commentator objected to proposed § 23.1559 concerning placards in airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of those comments, see Proposal 6–3. Proposed § 23.1559 is adopted without substantive change.

Proposal 6–27. Proposed § 23.1567(b)(2) would require that utility category airplanes that do not meet the spin requirements for acrobatic category airplanes have a placard in clear view of the pilot stating "Spins prohibited." One commentator said that the proposal is redundant and would add to the already confusing proliferation of cockpit placards. The FAA does not agree since the proposal would prevent any possible confusion as to whether a particular utility category airplane has been approved for spins. The proposal is adopted without substantive change.

Proposals 6–28, 2–39, 2–43, and 2–45. Proposed § 23.1581(a) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6–55). For another comment related to Proposal 6–28, see Proposal 6–3.

Disposition of Proposal 2–39 to add a new § 23.1353(f) (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–28. For comments related to proposed § 23.1353(f) and for an explanation of the revision to proposed § 23.1353(f), see the discussion of Proposal 2–87 under Proposal 6–57. Disposition of Proposal 2–45 to revise § 23.1581(b) and to add a new § 23.1581(d) (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–28.

One commentator, who agreed in general with proposed § 23.1581(b), recommended several clarifications. He indicated that the title "Pilot's Operating Handbok" should be allowed as an alternative to "Airplane Flight Manual." The FAA has no objection to the title "Pilot's Operating Handbook" if the title page also includes a statement indicating that the document is an FAA-required Airplane or Rotorcraft Flight Manual.

The commentator also indicated that the FAA should delete any requirement for individual page approval for operating limitations in Handbooks that meet a specification acceptable to the Administrator. Proposed § 23.1581(b)(1) would require approval of each page containing the prescribed operating limitations whereas current § 23.1581(b) requires that each part of the Airplane Flight manual containing information presented in §§ 23.1583 through 23.1589 be approved.

The intent of proposed §§ 23.1581(b)(1) and (b)(2) was to require that the presentation of operating limitations be approved by the FAA and be clearly identified as such while at the same time providing an option for the presentation of the other required information. This option would have provided that each page containing the information prescribed in §§ 23.1585 through 23.1589 had to be determined in accordance with the applicable requirements of this part and had to be approved or the information presented in its entirety in a manner acceptable to the Administrator.

In light of the comments received and after further review, the FAA believes that this intent will be accomplished in a simpler manner, and will be more consistent with Parts 25, 27, and 29 flight manual requirements, by retaining the current requirements and providing an alternative to the current requirements in a separate paragraph which provides that each part containing operating limitations must be approved and limited to such information, and the information prescribed in §§ 23.1585 through 23.1589 must be determined in accordance with the applicable requirements of this part and presented in a manner acceptable to the Administrator. Proposed §§ 23.1581 (b)(1) and (b)(2) are revised to reflect the changes discussed above.

The references in proposed §§ 23.1581 (b)(1) and (b)(2) to the information prescribed in §§ 23.1581(c) (paragraph (a)(2) as adopted) have been deleted to be consistent with the flight manual requirements of Parts 25, 27, and 29.

One commentator objected to Proposal 2–45 on the grounds that procedures, performance data, and loading information for any airplane certificated under Part 23 would not have to be approved by the FAA. This comment evidently refers to proposed § 23.1581(b)(2)(i) (which is incorporated into paragraph (b)(2) as adopted), under which the information prescribed in §§ 23.1585 through 23.1589 would not be identified as FAA-approved, if this information in its entirety is presented in a manner acceptable to the Administrator. The FAA does not agree with the comment. Under the proposal, the information would have to be determined in accordance with the applicable requirements of Part 23. In finding that a manual is acceptable, the FAA would review the manual to determine that the required information is complete and accurate. The manual would also be reviewed to ensure that any additional information provided by the applicant is not in conflict with required information or contrary to the applicable airworthiness requirements. The FAA believes that § 23.1581(b)(2) will provide an adequate method of review of the information prescribed in §§ 23.1585 through 23.1589.

The proposals to amend § 23.1581 are adopted with the revisions discussed above.

Disposition of Proposal 2–43 to amend § 23.1555 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–28. No unfavorable comments were received on Proposal 2–43, however, proposed § 23.1555(c)(3) is revised by deleting the words "and in the Airplane Flight Manual" in view of the requirements of §§ 23.1581 and 23.1587(a)(2), as adopted.

Proposal 6–29. For comments related to the proposal to revise § 23.1583(b), see Proposal 6–23.

Proposal 6–30. One commentator objected to the application of proposed § 23.1585, concerning operating procedures, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3.

The proposal to amend § 23.1585 is adopted without substantive change.

[For discussion concerning new § 23.1585(e), see Proposals 6–57 and 2–87.]

Proposals 6–31 and 2–46. One commentator objected to the application of proposed § 23.1587, concerning performance information, to airplanes of 6,000 pounds or less maximum weight for reasons stated in his comments on Proposal 6–3 concerning Flight Manuals. For a discussion of these comments, see Proposal 6–3.

Another commentator stated, in response to proposed § 23.1587(a)(7), which would require information on the steady rate or gradient of climb, that if gradient data are presented, conversion charts should be included, and that ideally each determination should be available; however, he concluded that the option of one or the other should be deleted and a definite requirement adopted. The commentator misinterpreted the proposed requirement. Section 23.65(c), as adopted by this amendment, requires the determination of a gradient of climb for turbine engine powered airplanes. Proposed § 23.1587(a)(7) is worded so as to take into account the requirement of § 23.65(c), not to provide an option for the applicant, i.e., whether gradient of climb or rate of climb is furnished under § 23.1587(a)(7) will be determined by the applicable requirement of §§ 23.65 and 23.77.

Section 23.1587 is adopted as proposed, except that a new § 23.1587(a)(9) has been added to include information on the maximum ambient temperature at which compliance with the cooling requirements is shown for reciprocating engines. This addition is explained in the discussion of the comments on Proposal 6–23.

Disposition of Proposal 2–46 (Notice 75–10), which proposed to delete the second sentence of present § 23.1587(a)(2), was deferred so it could be considered with Proposal 6–31. No unfavorable comments were received on Proposal 2–46. Proposal 2–46 was reproposed in Proposal 6–31, and is adopted without substantive change with the adoption of Proposal 6–31.

Proposal 6–32. Proposed new § 25.21(f) would require that when surface winds must be considered, the wind velocity must be measured at or corrected to a height of 10 meters above the surface, because the National Weather Service is standardizing on a height of 10 meters for reporting winds at airports. One commentator said that since the purpose of the proposal is standardization of Airplane Flight Manual performance information with respect to reported winds for takeoff or landing in service operations, the requirement should be placed in the flight manual requirements under § 25.1587(c)(1)(i) instead of in § 25.21. The FAA agrees that this is one purpose of the proposal but there are flight requirements other than those concerning performance information that require consideration of surface winds. Therefore, the FAA believes that it is more appropriate to include the proposed requirement in § 25.21. However, proposed § 25.21(f) is revised to clarify its applicability.

The proposed change to § 25.21(d), which deals with tolerances for variables in flight testing, would delete the requirement that the tolerance on wind during takeoff and landing tests must be based on the wind measured at a height of 6 feet above the runway. The commentator said that performance analysis is usually based on winds at the height of the mean aerodynamic center of the airplane above the runway surface, and that the data in the Airplane Flight Manual is then corrected to the currently used height of 50 feet. The commentator recommended that this procedure be continued, except that the wind velocities in the Flight Manual should be based on a height of 10 meters instead of 50 feet. The FAA believes that the proposed deletion of the 6-foot height from § 25.21(d), together with proposed § 25.21(f), lbs revised, would allow continued use of the procedure recommended by the applicant.

The commentator also suggested that the correction chart in Civil Aeronautics Manual 4b Appendix A, Figure 2, be considered for inclusion in Part 25. The FAA does not believe that it is necessary to include this information in the rules.

The proposal to amend § 25.21 is adopted with the revisions discussed above.

Proposal 6–33. For comments related to the proposal to amend § 25.29, see Proposal 6-5.

Proposal 6–34. Several commentators objected to the method of computing V_1 (takeoff decision speed) in proposed § 25.107(a) on the grounds that—(1) the speed increment between V_{EF} (engine failure speed) and V_1 should not be determined with all engines operating because the accelerate-stop distance determined under proposed § 25.109(a) would then be unnecessarily large for the critical engine failure condition (especially for twin-engine airplanes); and (2) placing the 2.0-second time delay between V_{EF} and V_1 in proposed § 25.107(a)(2)(ii) does not adequately provide for hetse instances in which the pilot may have to analyze and react to an event that occurs immediately before reaching V_1.

It was recommended that proposed § 25.107(a) be revised so that V_1 is determined by adding to V_{EF} the speed gained with the critical engine inoperative during the time interval between the instant at which the critical engine is failed and the instant at which the test pilot recognizes and reacts to the engine failure, as indicated by the pilot's application of the first retarding means during accelerate-stop tests (the 2.0-second minimum time delay that was proposed to be included between V_{EF} and V_1 would be deleted). It was further recommended that proposed § 25.109(a) be revised so that a 2.0-second time delay following V_1 is incorporated into the determination of accelerate-stop distances, as follows: (1) for the engine failure case, the acceleration of the airplane from V_{EF} would be with the critical engine inoperative and would continue for 2.0 seconds after reaching V_1; and (2) for the other event case, the acceleration of the airplane would be with all engines operating and would continue for 2.0 seconds after reaching V_1.

After considering all of the comments on these proposals and after further review, the FAA agrees with these comments and the recommendations. The FAA believes that the recommended revisions would provide for events other than engine failure, even though the speed increment between V_{EF} and V_1 would be determined with the critical engine inoperative instead of all engines operating, because the accelerate-stop distance for the other event case would be determined with all engines operating from the start of takeoff until 2.0 seconds after V_1 is reached. Further, the FAA believes that deleting the 2.0 second minimum time delay from the determination of V_1 and inserting a 2.0-second delay after V_1 in the determination of the accelerate-stop distance would be more appropriate for most rejected takeoff situations, since stopping requires a positive decision and action by the pilot. Proposed §§ 25.107(a) and 25.109(a) are revised accordingly.

Several commentators objected to the 2.0-second (minimum) time delay used in computing V_1 under proposed § 25.107(a)(2)(ii) on the grounds that it would increase the required take-off runway lengths, particularly in the engine failure case, and that such increases are not justified. One commentator recommended that the time delay be reduced to 1.0 second. The revisions discussed above significantly reduce the effect of the 2.0-second time delay on the required accelerate-stop distance in the engine failure case. Under § 25.107(a) as proposed, the airplane would be accelerated to a V_1 speed equal to V_{EF} (engine failure speed) plus the speed gained with all engines operating during a total time interval of about 3 seconds (i.e., during the time required for the test pilot to recognize and react to an engine failure in accelerate-stop tests, plus a 2.0-second time delay for service operations). Under proposed § 25.109(a), the accelerate-stop distance for the engine failure case would be determined by accelerating the airplane from V_{EF} to the V_1 speed determined under proposed § 25.107(a), but with the critical engine inoperative instead of with all engines operating. As pointed out by one of the commentators, the total time interval between engine failure and application of the first retarding means could then become about 6 seconds for a twin-engine airplane in the engine failure case, and the distance traversed during the additional 3 seconds (beyond the time interval prescribed in § 25.107(a)) would be included in the accelerate-stop distance. However, under the revisions incorporated in §§ 25.107(a) and 25.109(a) as adopted, the revised V_1 speed is equal to V_{EF} plus the speed gained with the critical engine inoperative during the test pilot's recognition-reaction time interval with no further time delay. The accelerate-stop distance for the engine failure case is then determined by accelerating the airplane with one engine inoperative from V_{EF} to the revised V_1 speed and then for an additional 2.0 seconds, before the first retarding means is applied. Under these revisions, a 2.0-second allowance for time delays in service operation is retained, but the total time interval between V_{EF} and application of the first retarding means in the engine failure case would be significantly reduced (for example the reduction could be from about 6 seconds to about 3 seconds for a twin engine airplane). The accelerate-stop distance for the engine failure case would be reduced accordingly. The FAA does not believe that any further revision is warranted because the 2.0-second delay (incorporated into § 25.109 as adopted rather than § 25.107) is necessary to allow for a surprise element and other operational factors not covered in accelerate-stop tests.

One commentator proposed that V_1 speeds be established as recognition speeds for both engine failure and other event cases. However, it is not clear how a recognition time for "other events" would be determined since there is a large variety of possible events that could lead to a rejected takeoff.

Another commentator, in addition to suggesting changes similar to those already made as discussed above, recommended that V_1 be established as a failure recognition speed which would be determined by adding to the speed at which the initial failure is assumed to

occur, the time between the failure and the pilot's recognition of the failure (assumed to be 2.0 seconds before his reaction to the failure), and the time, not less than 2.0 seconds, to allow for time delays in service under reasonably unfavorable operating conditions. The FAA does not agree that there should be a 2.0-second minimum delay, regardless of the pilot's actual reaction time, in determining V_1 under § 25.107(a), because proposed § 25.109(a) as revised will require that the accelerate-stop distance computations include acceleration of the airplane for 2.0 seconds after V_1 is reached.

This commentator further proposed that closing of the throttles be specified in proposed § 25.109 as the first action to be taken in stopping the airplane, with subsequent actions at intervals of not less than one second. Current § 25.101(h) already requires that the procedures used in determining the accelerate-stop distance must be able to be consistently executed in service by crews of average skill, and must include allowance for any time delays in the execution of the procedures that may be reasonably expected in service. The order in which the retarding devices are applied and the subsequent time delays will be established during type certification under the general provisions of § 25.101(h).

One commentator objected to the requirement in proposed § 25.107(a) that V_{EF} may not be less than V_{MCG} (minimum control speed on the ground) determined under (proposed) § 25.149(e). The commentator stated that it should only be required that V_1 not be less than V_{MCG} because if an engine failure is recognized between V_{EF} and V_1 the takeoff should be aborted. However, under proposed § 25.107(a) and 25.109(a), as revised V_1 will be placed at the speed at which the test pilot recognizes and reacts to an engine failure during accelerate-stop tests and the 2.0-second time delay will be inserted after V_1 instead of between V_{EF} and V_1 as proposed. This revision allows V_1 to be very close to V_{EF}. Therefore, the effect on takeoff and accelerate-stop distances of requiring that V_{EF} not be less than V_{MCG} has been significantly reduced because of the deletion of the minimum 2.0-second delay between V_{EF} and V_1. In addition, the FAA believes that V_{EF} should not be less than V_{MCG} so that there will be at least a small margin between V_{MCG} and V_1 to ensure controllability of the airplane at V_1.

One commentator recommended that the proposals containing V_1 and accelerate-stop distances be made retroactive to existing transport category airplanes one year after the date of their adoption. Current § 25.101(h) already provides that the procedures used in determining accelerate-stop distances include allowance for time delays reasonably expected in service. The purpose of the present proposals is to clarify and standardize the method of including an appropriate time delay in the accelerate-stop performance determination for airplanes type certificated in the future.

In regard to proposal 6–2, which would change the definition of V_1 in § 1.2 from "critical engine failure speed" to "takeoff decision speed," one commentator considered the proposed definition to be inadequate because "decision" is an undefined quantity. The commentator recommended that the proposal be revised to state that V_1 means the speed at which the flight crew has recognized an engine failure or other event and takes action either to reject or continue the takeoff. The significance of V_1 with respect to accelerate-stop distance, takeoff distance, and the related operating procedures is explained in the Airplane Flight Manual and the FAA believes it is too complex to be completely described in a brief definition in § 1.2. Accordingly, the proposed amendment of § 1.2 is adopted without substantive change.

The proposals to revise §§ 25.107(a) and 25.109(a) are adopted with the revisions discussed above.

Proposal 6–35. One commentator stated that if the intent of proposed §§ 25.107 (d) and (e)(1)(iv) with respect to the engine-out V_{MU} is to ensure controllability, the V_R–5 tests required by § 25.107(e)(3) should be expanded to require the test over the full range of certification conditions and all references to one-engine-inoperative V_{MU} should be deleted from §§ 25.107(d) and (e). The FAA does not agree with this recommendation because it would ignore the performance aspects (thrust-to-weight ratio) of the one-engine-inoperative V_{MU} demonstration.

Another commentator stated that flight test experience has shown that trim and control drag is accounted for with the thrust/weight ratio corresponding to the one-engine-inoperative condition used in the test, and that actual engine-out V_{MU} tests result in the same V_{MU} as tests conducted at the simulated engine-out thrust-to-weight ratio. The FAA agrees, and the last sentence of proposed § 25.107(e)(iv) is deleted. The proposal to amend § 25.107 is adopted with the revision discussed above.

Proposal 6–36. For comments related to proposed § 25.109(a), see Proposal 6–34.

Proposal 6–37. One commentator agreed with the proposed change to § 25.111(a)(2), which would delete the reference to V_1 and substitute V_{EF} in its place to make § 25.111(a) consistent with proposed § 25.107(a) (Proposal 6–34). However, this commentator did not agree with making the same change to § 25.111 (a)(3), and said that the present reference to V_1 in that paragraph is correct for the new definition of V_1 (i.e., as defined in proposed §§ 1.2 and 25.107(a)). The FAA does not agree with the comment on proposed § 25.111(a)(3) because it would leave a gap in the requirements for the speed range between V_{EF} and V_1.

Accordingly, the proposal to amend §§ 25.111 (a)(2) and (a)(3) is adopted without substantive change.

Proposal 6–38. Proposed § 25.121(e) would require the determination of the vertical distance required to make a transition from a 3-degree descent path in the landing configuration with the critical engine inoperative to a stabilized climb condition. Several commentators stated that the vertical distance determined in this manner should not be considered a minimum decision height for approaches. The FAA agrees, since the establishment of decision height requires consideration of many operational factors. Some commentators stated that the landing configuration in the proposal is not appropriate for one-engine-inoperative approaches. One commentator recommended that the horizontal as well as the vertical distance for transition to approach climb be determined, and referred to the work of the ICAO Obstacle Clearance Panel on this subject. Another commentator recommended that the required determination take into account the minimum control speed, V_{MC}. In light of the comments received, and after further review, the FAA believes that proposal 6–38 should be withdrawn.

Proposal 6–39. Several commentators objected to the proposal to amend § 25.123(a) on the ground that current § 25.123(a) is conservative and has the advantage of greater simplicity. The FAA agrees and the proposal to amend § 25.123(a) is therefore withdrawn.

Proposal 6–40. One commentator recommended that proposed § 25.143(b) be withdrawn and that current §25.143(b) be retained on the ground that there are areas within the flight envelope from takeoff to landing where the failure of a second engine cannot be handled smoothly and safely. The commentator also stated that the proposed amendment is vague and could produce confusion with respect to time between failures, and that it could be interpreted to require a combination of double engine failure and configuration changes. The FAA agrees that the proposed rule requires some clarification, but does not believe that the current § 25.143(b) should be retained. With respect to failure of a second engine on airplanes with three or more engines, the FAA believes that failure of a second engine can be reasonably expected in the enroute, approach, and landing stages of flight after failure of one engine earlier in the flight.

Therefore, proposed § 25.143(b) is revised to require consideration of the sudden failure of the second critical engine when the airplane is in a trimmed condition with one engine inoperative in the enroute, approach, and landing configurations. This revision also clarifies the requirement with respect to time between engine failures by providing that the airplane is in a trimmed condition with one engine inoperative when the second engine is failed. In regard to combination of engine failure and configuration changes, it should be noted that the introductory sentence of proposed § 25.143(b) refers to "probable operating conditions," and that some change of configuration may be desirable after engine failure, e.g., retracting the landing gear for a go-around after engine failure in the landing configuration.

Another commentator considered the proposed configuration change requirement to be too general and vague and suggested that the proposed requirement contain certain specific criteria. The commentator also recommended that interpretative material be included in the rule or in the associated Flight Test Guide. The FAA does not agree. The FAA believes that the wording of the proposed rule is clear and would accomplish the intended purpose.

The proposal to amend § 25.143(b) is adopted with the revision discussed above.

No unfavorable comments were received on the proposal to amend § 25.143 (c), which would reduce the maximum allowable rudder force for temporary application in meeting the controllability requirements, from 180 pounds to 150 pounds. Accordingly, the proposal is adopted without substantive change. For consistency with § 25.143(c), as adopted, and since flight test experience has shown that 180 pounds may make control difficult for some pilots under some flight conditions, § 25.147(a) is amended by deleting the reference to "180 pounds" and inserting in its place "150 pounds".

Proposal 6–41. One commentator recommended deletion of proposed § 25.149 (a), which would require that the method used to simulate critical engine failure must represent the modes of powerplant failure expected in service. The FAA does not agree. This provision is necessary to ensure that the most adverse condition with respect to controllability is considered. To clarify this intent, § 25.149(a) is revised to require consideration of the most critical mode of powerplant failure with respect to controllability expected in service. This commentator objected specificaly to dynamic engine cut demonstrations because of the hazards involved. The FAA believes that dynamic effects should be considered during type certification, since they might occur in service operations.

Upon further review, the FAA believes that specific guidance as to the setting of the propeller on propeller-driven airplanes is necessary with regard to proposed § 25.149(c). Current § 25.149(b) (8) specifies the setting of the propeller for reciprocating engine-powered airplanes. Current § 25.149(c) (5) specifies that for turbine engine-powered airplanes, the airplane must be ". . . in the most critical takeoff configuration existing along the flight path . . ." and has been administered to require that the setting of the propeller of turbine engine-powered, propeller-driven airplanes be the same as that specified in current § 25.149(b) (8). Accordingly, current § 25.149(b) (8) is retained and redesignated § 25.149(c) (7), to be applicable to all propeller-driven airplanes.

One commentator stated that the pilot should be provided with information regarding the effects of bank angle on V_{MC}. The FAA does not have enough information at this time to justify the suggested requirement.

Proposed § 25.149(e) would require the determination of a minimum control speed on the ground, V_{MCG}, for use in establishing takeoff speeds under proposed § 25.107 (see Proposal 6–34). One commentator recommended that the second sentence of proposed § 25.149(e) be revised to read "During this demonstration, the permissible lateral deviation of the path of the airplane would be limited to 30 feet." He said that the revision would eliminate the possibility of misinterpretation. The FAA believes that the language of the proposal is clear; however, it may be too restrictive in requiring the ground track to be parallel to or converging toward the centerline of the runway when the airplane is rotated for takeoff, and thereby unnecessarily delay rotation in determining takeoff performance under §§ 25.107(e) and 25.111. Section 25.149(e) is therefore revised to state that the airplane's path, from the point at which the critical engine is made inoperative to the point at which recovery to a direction parallel to the runway centerline is completed, may not deviate more than 30 feet laterally from the centerline. The adopted rule would allow the airplane to be rotated for takeoff before recovery to a direction parallel to the runway centerline is completed; however, it should be noted that it requires that V_{M3_G} most be determined to enable the takeoff to be safely continued using normal piloting skill. The commentator also recommended that proposed §§ 25.149 (e) (3) and (e) (5) be deleted because flight tests have proven that gross weight and center of gravity have no effect on V_{MCG}. The FAA does not agree. The airplane's acceleration varies with its weight, and this may affect directional control and lateral deviation. The center-of-gravity location may also affect directional stability and control on the ground.

One commentator stated that proposed § 25.149(e) would allow a lateral deviation of 30 feet during the determination of V_{MCG}, whereas the current FAA Flight Test Handbook recommends 25 feet and the Air Force requires 25 feet. The commentator recommended that 25 feet be specified in the adopted rule. The FAA believes that the 30-foot deviation limit will assist in international standardization in this area. In addition it should be noted that § 25.107(a) (1) as adopted (see discussion of Proposal 6–34) requires V_{EF} to be not less than V_{MCG} and V_1 to be greater than V_{EF}, thus providing a small controllability margin at V_1.

Several commentators recommended that the proposal be revised to allow the use of nose wheel steering in the determination of V_{MCG} under § 25.149(e), if control is through the rudder pedals and the demonstration is made on a wet runway. The FAA does not agree. The effectiveness of nose wheel steering depends to a large degree on runway friction characteristics and the load on the nose wheel. Certification tests on a wet runway would not cover the more extreme slippery runway conditions or all possible variations in takeoff conditions and techniques likely to occur in service. The FAA therefore believes that V_{MCG} should be determined without the use of nose wheel steering, as stated in proposed § 25.149(e).

In regard to the airplane configuration used in determining V_{MCG}, one commentator recommended that proposed § 25.149(e) (1) be revised to specify each takeoff configuration instead of the most critical takeoff configuration, to allow a separate V_{MC_G} for different flap settings. The FAA agrees that an applicant should be allowed to determine a separate V_{MCG} for different takeoff configurations but believes that the applicant should also have the option of determining a V_{MCG} value for only the most critical takeoff configuration. Proposed § 25.149(e) (1) is revised accordingly.

Proposed § 25.149(e) (2) would require that V_{MCG} be determined with maximum permissible takeoff power or thrust on the operating engines; however, the word "permissible," in relation to power or thrust, is not defined or used elsewhere in the performance and flight characteristics requirements. For consistency with §§ 25.101(c) and 25.149(c) (1), the word "permissible" is replaced by "available" in § 25.149(e) (2) as adopted. It should be noted that § 25.101(c) refers to the propulsive thrust available under the particular flight condition and thus provides for any difference between the takeoff thrust set during takeoff and the thrust available in flight for a go-around.

Proposed §§ 25.149 (f), (g), and (h) would require the determination of two new minimum control speeds, V_{MCL} and V_{MCL-2}, associated with an engine failure during landing approaches that are initiated with all engines operating and with one engine inoperative, respectively. One commentator said that these proposals are inconsistent with the V_{MCL} definitions being considered in the development of wet runway landing performance rules. The commentator recommended that these proposals be deleted until an acceptable rational landing rule is established. Another commentator stated that V_{MCL} and V_{MCL-2} would serve no useful purpose and may confuse flight crews. The FAA does not agree with these comments. These proposals are intended to cover the controllability aspects of an engine failure during landing approach. Proposed § 25.149 (f) as revised is intended to determine a minimum control speed for the situation where an engine fails after power or thrust has been increased to make a go-around from an approach with all engines operating. For airplanes with three or more engines, proposed §§ 25.149 (g) and (h) as revised are intended to determine a minimum speed for maintaining safe control during the power or thrust changes that are likely to be made following the failure of a second engine during an approach initiated with one engine inoperative. The

FAA believes that these proposals, with revisions discussed, should be adopted at this time to provide information for use in pilot training and service operations.

One commentator noted that proposed §§ 25.149(f)(5), (g)(5), and (h)(2) specify "maximum permissible power" in the determination of V_{MC_L} and $V_{MC_{L-2}}$. The commentator recommended that this be changed to "takeoff or maximum permissible power" as used in present § 25.149. Another commentator said that it is not clear whether "maximum permissible thrust" in proposed §§ 25.149 (f), (g), and (h) means maximum takeoff (or contingency) thrust, or whether a lower thrust can be scheduled. This commentator also stated that takeoff (or contingency) thrust would represent an increase in severity with respect to both the British Civil Air Regulations and present § 25.149(d), and that the thrust to be associated with recovering control following a sudden engine failure in §§ 25.149 (f) and (g) should be the power required for a 3-degree approach, and the thrust range to be associated with maintaining straight flight thereafter should be from minimum power to power for level flight or maximum power, whichever occurs first.

As explained in the preceding discussion of § 25.149(e)(2), current § 25.149 (c)(1) uses the words "maximum available takeoff power or thrust". The FAA believes that, for V_{MCL}, the power or thrust condition at the time of engine failure should be the thrust associated with a go-around and therefore believes that maximum available takeoff power or thrust should be prescribed in § 25.149 (f) since the approach climb requirements in § 25.121(d) allow use of available takeoff power or thrust. Proposed § 25.149(f) is revised accordingly.

However, since there are no performance requirements for a go-around with two engines inoperative, the FAA believes that the initial power condition at the time of failure of the second engine in § 25.149(g) for $V_{MC_{L-2}}$ should be that for a 3-degree approach with one engine inoperative. This is one of the initial power conditions prescribed in proposed § 25.149(h). In regard to the maximum power or thrust to be applied after the second engine is made inoperative, the FAA believes that the value of $V_{MC_{L-2}}$ to be furnished as information to the pilot should be based on the power or thrust that provides the maximum performance capability of the airplane without exceeding the powerplant limitations, i.e., maximum available takeoff power or thrust at the upper end of the range, and minimum available power or thrust at the lower end of the range. Proposed § 25.149(g) is revised accordingly.

Since V_{MC_L} will be determined with maximum available takeoff power, proposed § 25.149(h) is revised so that the requirement of changing the power on the operating engines after failure of the critical engine only applies to $V_{MC_{L-2}}$.

One commentator said that the critical weight for V_{MC_L} can be the lowest weight, when a 5-degree bank angle is used, and he therefore recommended that proposed §§ 25.149 (f)(4) and (g)(4) be revised to specify the most unfavorable weight in the range of landing weights, instead of the maximum sea level landing weight (or any lesser weight necessary to show V_{MC_L}). The FAA agrees that light weight may be critical for V_{MC_L} or $V_{MC_{L-2}}$ but does not believe that the recommended wording change is necessary. The proposal is consistent with current § 25.149(c)(4), and light weight conditions are considered under the current rule.

One commentator stated that the proposal requres determination of V_{MC_L} and $V_{MC_{L-2}}$ but does not appear to require that this information be made available to flight crews or that it be used in determining the approach speed. The commentator recommended that the proposal be changed to require that V_{MC_L} and $V_{MC_{L-2}}$ be included in the Airplane Flight Manual and also that the landing performance requirements in § 25.125 be amended to take account of V_{MC_L}. The FAA does not have sufficient information to justify changing the landing performance requirements in the manner recommended by the commentator. However, information regarding V_{MC_L} and $V_{MC_{L-2}}$ would be required to be furnished in the Airplane Flight Manual pursuant to the provisions of § 25.1585(a)(1).

For a comment related to the clause "either with zero yaw or with an angle of bank of not more than 5 degrees", which is contained in proposed §§ 25.149 (e), 25.149(f), and 25.149(g), see Proposal 6–13.

The proposal to amend § 25.149 is adopted with the revisions discussed above.

Proposal 6–42. One commentator stated that the exception in proposed § 25.177(b)(2) for the speed range from V_{MO}/M_{MO} to V_{FC}/M_{FC} should also be applicable to the speed range from 1.2 V_{S_1} to V_{MO}/M_{MO}. The FAA does not agree. V_{MO}/M_{MO} is the maximum operating limit speed. Gradual divergence that is easily recognizable and controllable by the pilot is allowed in the speed range above V_{MO}/M_{MO} because it is expected that operation at speeds above V_{MO}/M_{MO} will occur only for brief periods and that flight control demands will in general be limited to the restoration of flight at speeds below V_{MO}/M_{MO}.

Accordingly, the proposal to revise § 25.177(b) is adopted as proposed except that a provision for maximum flap extended speed and maximum landing gear extended speed has been added for clarification and consistency with the present rule.

Proposal 6–43. Proposed § 25.181(b) would require that combined lateral-directional ("Dutch roll") oscillations be positively damped, i.e., diminish after a disturbance, but it does not specify the degree of damping. One commentator recommended that the proposal be revised to state that lateral-directional oscillations should be damped but that neutral damping or mild divergence would be acceptable if it is easily controllable by the pilot. The commentator said the proposal is unnecessarily restrictive following the failure of a stability augmentation device, since the device must be designed to meet § 25.21(e), and that the damping required should be related to the frequency and amplitude of the oscillation, the pilot tasks, and environmental effects. The commentator also said that, if unsatisfactory damping following a failure is confined to an avoidable flight area or configuration and is controllable to return the aircraft to a satisfactory condition for safe flight, the lack of appreciable positive damping may be acceptable. The FAA does not agree with this recommendation. Current § 25.181 requires any short period oscillation to be heavily damped, and the proposal would require that combined lateral-directional oscillations be positively damped instead of heavily damped. The change recommended by the commentator would increase the pilot's tasks and could result in an unsafe situation when operating in rough air. Section 25.672(c) already allows degradation of stability and other flight characteristics after any single failure in a stability augmentation system if the airplane is safely controllable and the resulting stability characteristics allow continued safe flight and landing.

Another commentator recommended that the proposal should be changed to raise the lower limit of the speed range for positive stability from the stalling speed to 1.2V_{S_1}. The proposal is the same as the current rule with respect to the lower speed limit of the speed range for positive stability and the FAA does not have sufficient information at the present time to justify raising the lower speed limit to 1.2 V_{S_1}.

The proposal to revise § 25.181 is adopted without substantive change.

Proposal 6–44. One commentator recommended that the proposal to amend § 25.201 and the proposal to amend § 25.207 (Proposal 6–45) be withdrawn in light of current FAA studies on landing distances which may result in a new stall requirement. The FAA does not agree with this recommendation because the proposals for §§ 25.201 and 25.207 deal with stall demonstration and stall warning, and current studies for the landing distance rules do not include changes to §§ 25.201 or 25.207.

Another commentator stated that many modern airplanes are accepted as having correct stalling characteristics even though these occur before reaching the angle of attack for maximum lift, and suggested that the phrase "at an angle of attack measurably greater than that for maximum lift" be deleted from proposed § 25.201(d)(1). Proposed § 25.201 (d)(2) sets forth an exception to the requirements of proposed § 25.201(d)(1)

(this would be a relaxation of the requirement in current § 25.201(c)(2) with respect to those instances in which the airplane may be considered to be stalled). The FAA does not believe any further relaxation would be justified.

One commentator expressed concern that proposed § 25.201 might result in unwarranted increases in operational speeds and runway length requirements; however, no explanation of this comment was provided. Some operating speeds are affected by stalling speeds which are determined under §§ 25.103, 25.203, and 25.201. Proposed § 25.201(d)(2) provides that for an airplane demonstrating an unmistakable inherent aerodynamic warning in a particular configuration of a magnitude and severity that is a strong and effective deterrent to further speed reduction, the airplane may be considered stalled when it reaches the speed at which the effective deterrent is clearly manifested. (This exception is present in the current rule but is only applicable to those airplanes demonstrating the required degree of warning in all required configurations). The FAA believes that it is necessary that an applicant be allowed to limit the stall demonstration to the speed where a strong and effective deterrent (such as severe buffeting) is clearly manifested because operation of the airplane at any lower airspeed may be hazardous. Therefore, the FAA believes that any increase in an operating airspeed because a stall demonstration was limited to the airspeed at which there exists an effective deterrent, as provided in proposed §25.201(d)(2), is justified.

Accordingly, the proposal to amend § 25.201 is adopted as proposed, except that a nonsubstantive change is made to proposed § 25.201(d)(2) to clarify its intent. The proposal to amend § 25.207 is adopted without substantive change.

Proposal 6–45. For comments related to the proposal to amend § 25.207, see Proposal 6–44.

Proposal 6–46. Proposed § 25.233(a) would change the requirements concerning ground looping tendency in cross winds by substituting "25 knots" in place of "0.2V_{S_0}" for the prescribed wind velocity. Several commentators objected to the use of 25 knots for the required wind velocity, stating that the present requirement corresponds to about 20 knots for most airplanes, and that standardizing on a height of 10 meters above the surface for airport wind velocities (see Proposal 6–32 for § 25.21(f)) would also increase the required cross wind component (as compared with the present practice of correcting wind velocity to a height of 50 feet). The FAA agrees that 20 knots would be an appropriate minimum value for the cross wind component; however, this would be less severe than the present rule for airplanes with a stalling speed (V_{S_0}) greater than 100 knots. Therefore, § 25.233(a) is revised to replace "0.2V_S" with "20 knots or 0.2 V_{S_0}, whichever is greater, except that the wind velocity need not exceed 25 knots.".

One commentator suggested that the rule be written to allow the use of analysis to show acceptable ground handling characteristics for cross wind components greater than 20 knots. The FAA does not agree that analytic methods are reliable for this purpose. (See discussion of Proposal 6–47).

Proposal 6–47. Proposed § 25.237(a)(1) would establish 25 knots as the minimum cross wind component for landplanes, to be demonstrated on dry runways. Several commentators objected to the use of 25 knots for the required minimum wind velocity. For reasons explained in the discussion of Proposal 6–46, proposed §§ 25.237 (a) and (b) are revised, consistent with § 25.233 as adopted, by replacing "25 knots" with "20 knots or 0.2 V_{S_0}, whichever is greater, except that it need not exceed 25 knots."

Proposed § 25.237(a)(2) would require that a safe cross wind component be established for wet runways, but would allow this to be determined by analysis in lieu of demonstration. Two commentators recommended that the proposal concerning wet runways be deleted, since there is no definition of "wet," and they considered the current rules for cross wind operation to be adequate for either wet or dry cases. Two other commentators doubted the validity of analytic methods for establishing a safe cross wind component for wet runways. In light of the comments received, and after further review, the FAA believes that proposed § 25.237(a)(2) is premature and it is withdrawn.

Proposal 6–48. Two commentators recommended that proposed § 25.251(e) be revised to prescribe an acceleration of ±0.1 g, instead of ±0.05 g, in defining the onset of buffet. One of the commentators stated that this change would ensure a level of buffet that would be distinguishable under turbulent air conditions. The commentator stated that contrary to the explanation in the notice, test pilots have signified the onset of buffet when the buffet level at a flight station was greater than ±0.1 g, and that defining buffet onset in § 25.251(e) as ±0.05 g would unnecessarily limit the altitude-payload capability of the airplane. After considering the comments received, and after further review, the FAA does not believe it has enough information at this time to specify an acceleration value for the onset of perceptible buffeting which would be applicable to all airplanes. Accordingly, the proposal is withdrawn.

Proposal 6–49. Proposed new § 25.255 would establish requirements for maneuvering and dive recovery characteristics with the airplane out of trim by the amount resulting from a three-second movement of the primary longitudinal trim system at its normal rate with no aerodynamic load, or the maximum mistrim that can be sustained by the autopilot while maintaining level flight in the high speed cruising condition, whichever is greater. One commentator said that the requirement would appear not to apply to a manual trim system, and that this should be made clear. The intent of the proposal is to provide a basic maneuvering stability and dive recovery requirement regardless of the type of trim system used in the airplane.

To make this intent clear, the first sentence of the lead-in of proposed § 25.255 is revised by inserting the parenthetic "(or an equivalent degree of trim for airplanes that do not have a power operated trim system)". In addition, current § 25.655(b) requires that if an adjustable stabilizer is used, it must have stops that will limit the range of travel to the maximum for which the airplane is shown to meet the trim requirements of § 25.161. Therefore, the first sentence of the lead-in of proposed § 25.255 is also revised by inserting an exception indicating that the trim movement need not exceed the range established by stops in the trim system, including those required by § 25.655(b) for adjustable stabilizers. It should be noted that the word "primary" in the first sentence of the lead-in of proposed § 25.255 is being deleted since its usage in this context is inappropriate. The same commentator also said that he does not understand the phrase relating to the autopilot, but believes there is a need for an analysis to show whether greater mistrim can result from autopilot or other system malfunction, or from normal autopilot functioning such as when flying on altitude hold through updrafts. The phrase in the proposal relating to autopilots is intended to provide for circumstances in which the trim system is actuated, either by a runaway or by the pilot, while the autopilot is engaged, and the autopilot is then disengaged when the degree of mistrim reaches the point where the autopilot can no longer hold level flight. The FAA believes that this is an appropriate test criterion. In addition, it should be noted that autopilot malfunctions are covered under § 25.1329.

One commentator recommended that the proposed wording "at its normal rate with no aerodynamic load" in the lead-in of proposed § 25.255 be replaced by "at the rate existing for the specified flight condition." The FAA agrees that where the trim system is designed to vary the rate of trim movement according to the flight condition (e.g., as a function of the dynamic pressure), this variation may be taken into account; however, the effects of aerodynamic loads on trim movement may vary in a complex manner, e.g., with center of gravity, airspeed, and system friction. As stated in the notice, the proposal is intended to simulate a typical out-of-trim condition. The FAA believes that the requirement should be specified so that the required trim change can be determined by a relatively simple and uniform procedure. Accordingly, § 25.255 as adopted is revised to specify a three-second movement of the trim system at the normal rate for the particular flight condition with no aerodynamic load.

One commentator recommended that § 25.255(a) be changed to read: "The slope of the stick force vs. g (curve) for load factors between −1g and +2.5g

must be positive at speeds up to V_{FC}/M_{FC} or aural warning (speed) except that a 'flattening' of the stick force gradient or a reduction in stick force is permissible if it does not result in the tendency to overcontrol. Lesser acceleration values may be used at altitudes where buffet envelopes are established in accordance with § 25.251(e)." The FAA disagrees with the recommendation. Current § 25.253(b) already allows M_{FC} to be the same as the Mach number at which effective speed warning occurs for altitudes where Mach number is the limiting factor. At lower altitudes where airspeed is the limiting factor, V_{FC} under § 25.253(b) must be higher than the aural warning speed under § 25.1303 (c)(1). Recoveries from severe upsets or evasive maneuvers are likely to be made in this altitude range at speeds above the aural warning speed. Therefore, the FAA believes that the proposed requirement should be met at speeds up to V_{FC}/M_{FC}. In addition, to minimize the possibility of over-control and overstressing the airplane structure, the FAA believes that a reduction in stick force (negative slope of the stick force per g curve) should not be allowed at speeds up to V_{FC}/M_{FC}. However, it should be noted that flattening of the stick force gradient would be allowed under the proposal as long as the slope is positive.

The changes to proposed § 25.255(a) recommended by this commentator include deleting the proposed requirement for the speed range between V_{FC}/M_{FC} and V_{DF}/M_{DF} (the demonstrated flight dive speed). For this speed range, the proposal states that there may not be reversal of the primary longitudinal control force. Speeds above V_{FC}/M_{FC} have been reached during recovery from upsets in severe turbulence. The FAA believes that reversal of the direction of the control force (as shown on the stick force per g diagram) should not be allowed at speeds up to V_{DF}/M_{DF}, because force reversal on the primary control could be confusing to the pilots and contribute to hazardous over-control in severe turbulence.

Proposed § 25.255(a) provides that acceleration values less than those prescribed may be used at altitudes and speeds where buffet envelopes are established in accordance with § 25.251(e). One commentator objected to this provision and suggested that the proposal be revised to state that, at speeds up to V_{FC}/M_{FC}, the stick force curve must have a positive slope, and at speeds up to V_{DF}/M_{DF} there may not be a reversal of the primary longitudinal control force for normal acceleration values between -1 g and the lesser of 2.5 g and a normal acceleration corresponding, in the particular circumstances of weight, altitude, and air speed or Mach number, to buffeting or other phenomena, of such intensity as to be a strong deterrent to further application of primary longitudinal control force. The FAA does not believe that the buffeting criteria suggested by the commentator would be appropriate, since severe buffeting could mask the normal stick force gradient characteristics.

Another commentator suggested that the proposal be revised to state that "where buffet envelopes are established in accordance with § 25.251(e), the corresponding lesser acceleration values may be used." The FAA disagrees with the recommendation. The suggested wording would indicate that the requirement for positive maneuvering stability (stick force per g) is limited to the load factors within the buffet onset envelopes (i.e., perceptible buffeting) determined under § 25.251(e). However, § 25.251(e) also requires that probable inadvertent excursions beyond the boundaries of the buffet onset envelopes may not result in unsafe conditions. The FAA believes that positive maneuvering stability should be required for inadvertent excursions beyond the buffet onset boundaries, since a pilot is likely to exceed these boundaries in recovering from an upset.

Accordingly, § 25.255 is clarified by deleting the specific acceleration (g) values and exception clause in paragraph (a), and by setting forth a revised exception clause in a paragraph (e) which states that the accelerations need not exceed the maneuvering load factors associated with probable inadvertent excursions beyond the boundaries of the buffet onset envelopes determined under § 25.251(e). For consistency with the structural strength requirements, § 25.255(e) as adopted also states that the accelerations need not exceed the limit maneuvering load factors prescribed in §§ 25.333(b) and 25.337.

In addition, the other paragraphs of proposed § 25.255 have been restructured and redesignated for clarity. The second sentence of proposed § 25.255(d) would provide for the use of longitudinal trim to assist in producing the required 1.5 g for recovery. One commentator suggested that a clause be inserted to require that it be possible to produce at least 1.2 g without use of the longitudinal trim system and without exceeding a longitudinal control force of 125 lbs. The FAA believes that the recommended change is unnecessary because proposed § 25.255(d) already provides that longitudinal trim can only be used to assit in producing 1.5 g if it meets certain requirements.

Proposed § 25.255(d) requires that if the longitudinal trim is used to assist in the dive recovery, it must be shown that the trim can be actuated in the nose up direction with the primary surface (e.g., elevators) loaded to produce the least of the nose up control forces specified in paragraphs (d)(1), (d)(2), and (d)(3). One commentator recommended that proposed paragraph (d)(1) be deleted and that paragraph (d)(2) be changed to "125 pounds." The FAA does not agree. In an upset, the initial attempt at recovery is likely to be made with the primary pitch control, and on some airplane designs the airloads on the horizontal tail surfaces tend to prevent movement of the trim system at high speeds. The change recommended by the commentator assumes, in effect, that the pilots will actuate the trim in time to obtain recovery before they apply more than 125 pounds on the primary control. This may not be a valid assumption in extreme upset conditions.

One commentator stated that it is impracticable to demonstrate 1.5g, and less than 1 g, at V_{DF}/M_{DF} in a flight test without exceeding V_{DF}/M_{DF}, and that some alleviation should be provided to cover this. Proposed § 25.255(d), which states that it must be possible from an overspeed condition at V_{DF}/M_{DF} to produce at least 1.5 g for recovery by applying not more than 125 pounds of control force, would only require that the test be started at V_{DF}/M_{DF}. With regard to accelerations less than 1 g, the commentator has apparently misinterpreted the requirement of proposed § 25.255(f). The intent of the requirement in proposed § 25.255(f) is that the entry speeds for flight test investigations at acceleration values less than 1 g should be limited to the extent necessary to accomplish a recovery without exceeding V_{DF}/M_{DF}. To clarify this intent, proposed § 25.255(f) is revised and incorporated into § 25.255 (e).

Another commentator recommended certain changes in the arrangement of paragraphs in § 25.255 along with other changes already discussed above. The FAA believes, however, that the paragraphs of proposed § 25.255, as revised, are in the most appropriate order for clarity.

One commentator stated that proposed § 25.255 should be changed to be consistent with the manner in which the out-of-trim special condition has been applied in certification tests since 1965. The wording of the special conditions for various airplanes, and of related regulations §§ 25.251 and 25.253, has changed between 1965 and the present time. The proposal in the notice is based on the wording of recent special conditions.

Proposal 6–50. Proposed § 25.703 would require a takeoff warning system to warn the pilots during the initial portion of the takeoff roll if the airplane is in a configuration that would prevent successful completion of the takeoff. One commentator recommended that the proposed requirement for both aural and visual warnings be changed to require either an aural or visual warning. Another commentator questioned the desirability of a visual warning, particularly at night, citing the time that may be lost in searching for a visual warning. The FAA agrees with the latter comment. Accordingly, the requirement for an aural warning is retained and the requirement for a visual warning is withdrawn.

One commentator recommended that the words "including any of the following" (configurations) in proposed § 25.703(a) be changed to "consisting of the following" (configurations). The FAA does not agree since a particular airplane design may incorporate some other variable geometry device that would not allow a safe takeoff when in the wrong position.

The same commentator stated that proposed § 25.703(c), which would re-

quire that the means used to activate the system function properly throughout the ranges of takeoff weights, altitudes, and temperatures for which certification is requested, is superfluous and should be deleted. The FAA believes that this paragraph should be retained to clearly define the scope of the requirements.

This commentator also recommended deletion of proposed § 25.703(d) which would require that the system be designed to provide reliable sensing of an unsafe position of each critical aerodynamic surface. The commentator stated that such a system would be unworkable, over-sophisticated, and could degrade flight safety through numerous nuisance warnings. He pointed out that critical aerodynamic surfaces would include ailerons, rudder, and spoilers, and that "proper" position of such surfaces during takeoff would be affected by cross winds, engine failure, etc. The FAA agrees that the requirements in proposed § 25.703(d) could result in a warning system so complex that its effectiveness may be impaired. Proposed paragraph (d) is therefore withdrawn.

In regard to proposed § 25.703(b), one commentator recommended that consideration be given to a system cutoff at some significant airspeed, e.g., 100 knots. It was stated that any valid warning would probably have sounded by the time that speed is reached and the cutoff would preclude unwarranted aborts due to warning system malfunction at high speeds. Proposed § 25.703(b) would require the warning to continue until the configuration is changed to allow a safe takeoff, the takeoff roll is terminated, or the warning is manually deactivated by the pilot. The FAA agrees that a system cutoff at high speeds should be permitted, but believes that the cutoff should not be set below the V_1 speed, since the takeoff can be rejected within the established accelerate-stop distance from any speed up to V_1. Since the next speed above V_1 that can be sensed by a simple means is V_R (e.g., by nose gear switches), the FAA believes that deactivation of the takeoff warning system should be allowed when the airplane is rotated for takeoff. Proposed § 25.703 is revised accordingly.

With respect to the requirement in proposed § 25.703(b) that the warning must continue until the takeoff roll is terminated, the intention of the proposal was not to require that the warning must continue until the airplane is brought to a full stop, but that it must continue until action is taken by the pilot to terminate the takeoff roll, for example by closing all throttles. Proposed § 25.703 (b) is revised accordingly.

Another commentator objected to the proposal, stating that the warning system would eliminate reliance on the checklist and induce more hazards than it is designed to eliminate. The FAA does not agree that the warning system would eliminate reliance on the checklist; instead it would serve as a back-up for the checklist, particularly in unusual situations, e.g., where the checklist is interrupted or the takeoff is delayed. The commentator stated that the additional aural warning system would add to the problem of cockpit confusion caused by the multitude of aural warning requirements. The FAA does not agree since the takeoff warning would occur during the initial portion of the takeoff roll and therefore should not be confused with flight over-speed warning, stall warning, or landing gear warning during approach. The commentator added that it is doubtful if a reliable, practical, safe system can be designed, much less for a cost that would approximate the possible benefits. The FAA does not agree since such systems have been developed and used on relatively complex airplanes. The warning systems can be simpler on airplanes having fewer or less critical variable geometry devices.

One commentator recommended that consideration be given to including unreleased brakes in the takeoff warning system in view of the serious consequences of failing to release brakes fully before takeoff. The FAA does not now have sufficient information to justify adopting the suggestion made by this commentator.

The proposed new § 25.703 is adopted with the revisions discussed above and a nonsubstantive revision for clarity.

Proposal 6–51. One commentator suggested the use of the word "suspended" rather than "silenced" in proposed § 25.729(e)(3). The FAA agrees with this suggestion, since it would result in consistency of wording between this section and proposed § 23.729(f)(1). Section 25.729(e)(3) is revised accordingly.

Proposal 6–52. For comments related to the proposal to revise § 25.1043(b), see Proposal 6–23.

Proposal 6–53. No unfavorable comments were received on the proposal to revise § 25.1501. Accordingly, the proposal is adopted without substantive change.

Proposal 6–54. For comments related to the proposal to revise § 25.1521(e), see Proposal 6–23.

Proposals 6–55 and 2–96. One commentator recommended that proposed § 25.1581(a)(2), which would require that the Airplane Flight Manual contain "Other information necessary for safety," be deleted. He stated that the proposed requirement would be far too broad, and could include all information now provided in the crew operating manual. The FAA agrees that the proposed wording may be too broad, but does not agree that all requirements for additional information should be eliminated. Section 25.1581(a)(2) as adopted requires other information that is necessary for safe operation because of design, operating, or handling characteristics. This wording is the same as current § 25.1581(c), except that the word "unusual" is deleted for the reasons stated in notice.

The same commentator also recommended deletion of proposed § 25.1581 (b), which would require that each part of the manual containing required information be approved, segregated, identified, and clearly distinguished from each unapproved part of the manual. The commentator stated that he is not aware of any unapproved sections of the Airplane Flight Manual, and that the proposal implies a crew manual with the FAA limitation data so marked. The FAA does not agree with the recommended deletion of this requirement. The proposed paragraph is the same as current § 25.1581(b), and is intended to cover cases where the applicant desires to include information in the manual that is not required by the FAA.

Proposal 6–55 to amend § 25.1581 is adopted with the revisions discussed above.

The disposition of Proposal 2–96, which proposed to add a new § 25.1581 (d) (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–55. No unfavorable comments were received on Proposal 2–96 and the proposal to add a new § 25.1581(d) is adopted without substantive change.

Proposal 6–56. For comments related to the proposal to amend § 25.1583, see Proposal 6–23.

Proposals 6–57 and 2–87. No unfavorable comments were received on the proposal to amend § 25.1585. Accordingly, the proposal is adopted without substantive change.

Disposition of Proposal 2–87 to amend § 25.1353 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–57. Proposals 2–39, 2–131, and 2–186 to amend §§ 23.1353, 27.1353, and 29.1353, respectively (Notice 75–10), are substantively identical to Proposal 2–87 and all of these proposals are discussed below.

Commentators suggested that proposed §§ 25.1353(c)(5) and 29.1353(c)(5) be revised by adding the word "or" between paragraphs (c)(5)(i) and (c)(5)(ii) to allow an alternative design. The commentators misinterpreted the proposal. The sections as adopted provide for three alternatives with an "or" understood between paragraphs (c)(5)(ii) and (c)(5)(iii) and with an "or" understood between paragraphs (c)(5)(i) and (c)(5)(ii).

One commentator suggested that the proposals should be broadened to include nickel cadmium battery installations other than those capable of being used to start an engine or an auxiliary power unit. The proposals apply only to nickel cadmium batteries that are subject to a rapid drain because they are used to start an engine or auxiliary power unit. The FAA does not have enough information to indicate that in other installations the drain on nickel cadmium batteries is sufficiently rapid to require compliance with the proposed provisions.

One commentator objected to proposed §§ 27.1353(f) and 29.1353(c)(5) on the basis that the requirement should be limited to nickel cadmium batteries other than 20-cell batteries and to only certain battery locations. The commentator also stated that the requirement for helicopters should be different from that for airplanes since helicopters are

able to execute an emergency landing much quicker than airplanes. The FAA has insufficient information at the present time to warrant any of the distinctions suggested by the commentator.

The FAA believes that the requirement in proposed § 25.1353(c)(5) concerning operating procedures in the Airplane Flight Manual should be transferred to § 25.1585(a), since that section pertains to operating procedures. The proposal for § 25.1353(c)(5) is revised and § 25.1585(a) amended accordingly. The remainder of proposed § 25.1353(c)(5) is redesignated § 25.1353(c)(6) in view of the adoption of a new § 25.1353(c)(5) in Amendment No. 5. The same revisions are also made to proposed §§ 23.1353(f), 27.1353(f), and 29.1353(c)(5), designated as §§ 23.1353(g), 27.1353(g), and 29.1353(c)(6), respectively, and to §§ 23.1585, 27.1585, and 29.1585.

Proposals 6–58 and 2–98. Proposed §§ 25.1587 (c)(5) and (c)(6), which would add requirements for information on the vertical distance for transition to approach climb determined under proposed § 25.121(e) (Proposal 6–38), and on the en route net flight path data determined under proposed § 25.123 (Proposal 6–39), are withdrawn in view of the withdrawal of Proposals 6–38 and 6–39.

Disposition of Proposal 2–98 to revise § 25.1587 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–58. No unfavorable comments were received on Proposal 2–98 and it is adopted as proposed except that the reference in proposed § 25.1587(b)(4) to § 25.101(c) is changed to reference §§ 25.101 (f), (g), and (h), Current § 25.1587(c)(3), on which proposed § 25.1587(b)(4) is based, was adopted as part of the recodification of Part 4b of the Civil Air Regulations, effective February 1, 1965 (29 FR 18289). Specifically, § 25.1587 replaced § 4b.743 of the CARs and § 4T.743 of Special Civil Air Regulation 422B. Section 4T.743(c), which was replaced by § 25.1587(c)(3), referenced § 4T.111(c) and the requirements of § 4T.111(c) are now contained in §§ 25.101 (f), (g), and (h), not § 25.101(c) as the current rule indicates. The purpose of the recodification program was simply to clarify the regulations. No substantive changes, other than relaxatory ones that were completely noncontroversial, were intended. The FAA believes that the change being made is a nonsubstantive editorial change since § 25.1587(c)(3) has been consistently interpreted in accordance with the rule as originally set forth in § 4T.743(c) of Special Civil Air Regulation 422B.

Proposal 6–59. For comments related to the proposal to amend § 27.25(b), see Proposal 6–5. The proposal to amend § 27.25(b) is adopted without substantive change.

Proposal 6–60. For comments related to the proposal to amend § 27.29, see Proposal 6–5.

Proposal 6–61. Proposed new §§ 27.33(e) and 29.33(e) (Proposal 6–77 would require a main rotor low-speed warning for each single engine helicopter and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails. Several commentators stated that operating experience does not indicate the need for a main rotor low-speed warning and that the instruments furnished the pilot are adequate to monitor rotor r.p.m. safely. One of these commentators also stated that if the warning is set high enough to be effective, the pilot will rely on it in lieu of monitoring rotor r.p.m. as he should and that the warning will activate during low r.p.m. transients which are entirely safe and this may cause pilot action that is unsafe. The commentator stated that since the National Transportation Safety Board (NTSB) has recommended an engine failure warning device on all turbine engines, this proposal should be withdrawn or deferred until action has been taken on the NTSB recommendations. The FAA does not agree. In regard to the comments concerning monitoring of instruments and rotor r.p.m. by the pilot, it should be noted that one of the main reasons for providing rotor low-speed warning is to assist the pilot in maintaining safe rotor speed after an engine failure when his attention is directed to flight path control and emergency procedures. With respect to activation of the warning during low-rotor r.p.m. transients, the FAA believes that the warning can be set to avoid nuisance warnings in normal maneuvers and still meet the requirements of this section. The NTSB Release for Safety Recommendations A–75–72 and 73, issued September 2, 1975, recommended that Parts 27 and 29 be amended to require that all turbine engine-powered helicopters be equipped with a prominent engine-out visual warning system and an aural warning system which can be heard with or without the use of a headset. The FAA believes, as stated in its response to the NTSB, that the proposed requirement for rotor low-speed warning is more desirable than an engine-out warning since a rotor low-speed warning would warn the pilot of an unsafe low rotor speed due to any cause, including engine failure, and will continue the warning function during power-off descent and landing.

One commentator noted that the FAA has imposed special conditions requiring engine-out warnings on certain turbine engine-powered helicopters, and stated that engine-out warnings should not be required in addition to rotor low-speed warning. The FAA does not believe it will be necessary to issue a special condition requiring installation of an engine-out warning on those helicopters with a rotor low-speed warning.

One commentator objected to the deletion of §§ 27.33(b)(3) and 29.33(b)(3). Current §§ 27.33 (b)(1), (b)(2), and (b)(3) (and §§ 29.33 (b)(1), (b)(2), (b)(3)) provide, for all rotorcraft, three alternative methods for showing that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition with power on. One of the alternatives, paragraph (b)(3), is to provide adequate means to warn the pilot of unsafe main rotor speeds, but the proposal would delete this paragraph, thus requiring all rotorcraft to comply with paragraph (b)(1) or (b)(2). This was not the intent of the proposal. Accordingly, §§ 27.33(b)(3) and 29.33(b)(3) are retained. In addition, for clarification, the lead-in of §§ 27.33(b) and 29.33(b) are revised so that they are only applicable to rotorcraft that are not required to have a main rotor low-speed warning under § 27.33(e) or § 29.33(e), respectively.

Proposal 6–62. Two commentators objected to the proposals for §§ 27.45 and 29.45, stating that the basis for humidity levels has not been determined and varies between engines. These commentators further stated that there is no industry agreement on the effect of humidity on power or that humidity has a significant effect on power. The effects of humidity on the power of reciprocating engines are well understood and are generally the same between engine types. The effects of humidity on the power or thrust of turbine engines may differ between engine types. The proposal, however, establishes a reference humidity structure for the development of rotorcraft performance data. It does not prejudge the nature of the corrections, if any, which may be required. Each turbine engine must be evaluated to determine the effect of humidity on thrust or power, and, where rotorcraft performance is affected, it must be based on the humidity reference condition.

One commentator objected to the proposals on the basis that the humidity reference for turbine engine-powered rotorcraft may not be representative of average humidity conditions encountered in service. No safety problem has been identified with the use of the proposed humidity reference in the type certification of transport category airplanes, and the reference is considered equally valid for the type certification of rotorcraft.

One commentator questioned why a reciprocating engine-powered rotorcraft would be required to use a humidity correction different from that for turbine engine-powered rotorcraft. The humidity correction proposed for reciprocating engine-powered rotorcraft is similar to the current requirements for reciprocating engine-powered transport category airplanes and the proposed humidity correction for turbine engine-powered rotorcraft is similar to the current requirements for turbine engine-powered transport category airplanes, and the requirements for transport category airplanes have been administered without difficulty. In addition, the humidity correction requirements for turbine engine-powered rotorcraft are based on the fact that the power or thrust of turbine engines diminishes significantly as the ambient atmospheric temperature is increased. Power or thrust variations related to humidity could therefore have

an adverse effect upon safety at temperatures above standard.

The proposal to revise § 27.45 and the proposal to amend § 29.45 are adopted without substantive change.

Proposals 6–63 and 2–100. Under proposed § 27.65(b)(2), if the never-exceed speed V_{NE} is less than the best rate-of-climb speed V_Y at any altitude within the range for which certification is requested, the steady rate of climb must be determined over the entire range of weights, temperatures, and altitudes for which certification is requested. One commentator recommended that the rate of climb information be required only for the range of altitudes where V_{NE} is less than V_Y, instead of the entire range of altitudes. The FAA disagrees. The climb performance and speed of a helicopter may change significantly below, as well as above, the altitude at which V_{NE} is less than V_Y. However, after further review, the FAA believes that it is only necessary that climb data be determined over the range of altitudes from 2,000 feet below the altitude at which V_{NE} is equal to V_Y up to the maximum altitude for which certification is requested. The proposal to amend § 27.65 is revised accordingly.

In addition, proposed § 27.65(b)(2)(i) is revised to allow the rate-of-climb to be determined at the climb speed selected by the applicant (instead of the most favorable climb speed) at or below V_{NE}. The FAA believes that the proposed paragraph (b)(2)(i) would impose an unnecessary burden on the applicant and result in complex operating information, since the most favorable climb speed may be a function of several variables.

Disposition of Proposal 2–100 to amend § 27.65(a)(2) (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–63. No unfavorable comments were received on the proposal to amend § 27.65(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 6–64. Proposed § 27.67(c) would require the determination of the one-engine-inoperative steady rate of climb with maximum continuous power on the operating engines, and (for helicopters for which certification for the use of 30-minute power is requested) at 30-minute power. One commentator said that there is no need to show the climb performance data for both the maximum continuous and 30-minute power levels and, therefore, the word "and" preceding the parenthetical expression should be changed to "or". The FAA does not agree. Even though an applicant may request certification for the use of 30-minute power, climb performance data for maximum continuous power should be furnished to the pilot for use in operations that may require more than 30 minutes to reach a safe landing area after failure of one engine, e.g., over-water operations. Accordingly, § 27.67(c) is adopted without substantive change.

Proposal 6–65. No unfavorable comments were received on the proposal to revise § 27.75(a)(2)(ii). Accordingly, the proposal is adopted without substantive change.

Proposal 6–66. No unfavorable comments were received on the proposal to amend § 27.143. Accordingly, the proposal is adopted without substantive change.

Proposal 6–67. No unfavorable comments were received on the proposal to revise § 27.175(c). Accordingly, the proposal is adopted without substantive change.

Proposal 6–68. For comments related to the proposal to revise § 27.1043(b), see Proposal 6–23.

In addition, a nonsubstantive editorial change is being made to the lead-in of § 27.1043(a) to reference § 27.1041(b) instead of § 27.104(b).

Proposal 6–69. No unfavorable comments were received on the proposal to revise § 27.1501. Accordingly, the proposal is adopted without substantive change.

Proposals 6–70 and 2–135. Disposition of Proposal 2–135 to amend § 27.1545 (Notice 75–10) was deferred so it could be considered in connection with Proposal 6–70 to amend § 27.1505. No unfavorable comment was received on Proposal 2–135. Accordingly, the proposal is adopted without substantive change.

Proposed §§ 27.1505(c) and 29.1505(c) (Proposals 6–70 and 6–84, respectively) would allow the establishment of a never exceed speed, V_{NE} (power-off), that is less than V_{NE} with power on, if V_{NE} (power-off) is not less than a speed midway between the power-on V_{NE} and the speed for maximum range in autorotation at maximum weight. One commentator recommended that "V_Y or the climb speed selected by the applicant in demonstrating compliance with the climb requirements" be inserted in proposed § 27.1505(c) in place of the speed for maximum range in autorotation. The commentator stated that since determination of the speed for maximum range in autorotation is not presently required, the substitution of the climb speed (which is determined under the climb requirements in §§ 27.65 or 27.67) would accomplish the intent of placing a lower limit on V_{NE} (power-off) without unnecessary additional demonstration requirements.

After further consideration, the FAA believes that the speed used in determining climb performance (one-engine-inoperative climb performance, if applicable) should be used in establishing a V_{NE} (power-off) for both Part 27 and 29 helicopters, instead of the speed for maximum range in autorotation at maximum weight. The speed midway between power-on V_{NE} and the appropriate climb speed is expected to be high enough to provide the pilot with an adequate range of speeds and glide angles during autorotation. In addition, the determination of V_{NE} (power-off) will be based on information already required to be furnished by the applicant which would not be the case if the speed for maximum range in autorotation were prescribed since it is only required to be determined for certain Part 29 Category B helicopters. The proposals to amend §§ 27.1505 and 29.1505 are revised accordingly.

Proposal 6–71. For comments related to the proposal to add a new § 27.1521(f), see Proposal 6–23.

Proposal 6–72. No unfavorable comments were received on the proposal to add a new § 27.1527. Accordingly, the proposal is adopted without substantive change.

[For discussion concerning the amendment of § 27.1545, see Proposals 6–70 and 2–135.]

Proposals 6–73, 2–139 and 2–140. No unfavorable comments were received on Proposal 6–73 to amend § 27.1581. The proposal is adopted without substantive change, except that proposed § 27.1581(a)(2) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6–55).

Disposition of Proposals 2–139 to amend § 27.1581 and 2–140 to amend § 27.1587 was deferred so that these proposals could be considered in connection with Proposal 6–73. No unfavorable comments were received on Proposal 2–139 or Proposal 2–140. Proposal 2–139 to amend § 27.1581 is adopted without substantive change. For reasons that are stated in the discussion of Proposal 6–23 for § 23.1521(e), Proposal 2–140 to amend § 27.1587 is revised by adding a new § 27.1587(a)(2)(iii) requiring information on the maximum ambient atmospheric temperature at which compliance with the cooling requirements was shown. Additionally, the parenthetical phrase "(if provided)" is deleted from § 27.1587(b) since the amendment to § 27.1581 requires that a Rotorcraft Flight Manual be furnished for each rotorcraft. The proposal to amend § 27.1587 is adopted with the changes discussed above.

Proposal 6–74. For comments related to the proposal to amend § 27.1583, see Proposal 6–23.

Proposals 6–75 and 2–131. Proposed §§ 27.1585(c) and 29.1585(c) would require the operating procedures section of the Rotorcraft Flight Manual to contain information on the procedures for reducing airspeed to V_{NE} (power-off) for helicopters for which a V_{NE} (power-off) is established under §§ 27.1505(c) and 29.1501(c), respectively. One commentator stated that he did not favor systematically placing explicit engine, altitude, and V_{NE} (power-off) limitations in the "limitations" chapter of the Flight Manual. The commentator apparently misinterpreted the proposal, as it would affect only the operating procedures section, not the limitations section. The commentator also stated that these explanations should only be required when they bring significant information to the pilot and when the limitation results from an indirect and not an obvious cause. The FAA believes that in view of the surprise element that may be associated with engine failure in service operations, the procedure for reducing airspeed to not more than V_{NE} (power-off) should be furnished for each helicopter for which a V_{NE} (power-off) is established. Accordingly, the proposals for §§ 27.1585(c) and 29.1585(c) are adopted without substantive change.

Disposition of Proposal 2–131 to amend § 27.1353 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–73. For comments related to proposed § 27.1353(f) and for an explanation of the revision to proposed § 27.1353(f), see the discussion of Proposal 2–87 under Proposal 6–57.

Proposal 6–76. For comments related to the proposal to amend § 29.29, see Proposal 6–5.

Proposal 6–77. For comments related to the proposed amendment of § 29.33, see Proposal 6–61 for § 27.33.

Proposal 6–78. For comments related to proposed § 29.45, see Proposal 6–62.

Proposal 6–79. One commentator recommended that proposed § 29.65(c) be revised to require climb data only for those altitudes where V_{NE} is less than V_Y at sea level. For a discussion of this comment and the explanation for the revisions to proposed § 29.65(c), see Proposal 6–63. This commentator also stated that proposed § 29.65(c) is superfluous for Category B rotorcraft since its duplicates the requirement of proposed § 29.65(a)(4). The FAA agrees that some clarification is needed and proposed § 29.65 (a) and (c) are revised to list all of the Category B requirements in paragraph (a) and to make paragraph (c) applicable only to Category A helicopters. For an explanation of the revisions to proposed § 29.65(c)(1), see the discussion of the revision to proposed § 27.65(b)(2)(i) under Proposal 6–63. Accordingly, the proposal is adopted with the revisions discussed above and under Proposal 6–63.

Proposal 6–80. No unfavorable comments were received on the proposal to amend § 29.143. Accordingly, the proposal is adopted without substantive change.

Proposal 6–81. No unfavorable comments were received on the proposal to revise § 29.175(c). Accordingly, the proposal is adopted without substantive change.

Proposal 6–82. For comments related to the proposal to revise § 29.1043(b), see Proposal 6–23.

Proposal 6–83. No unfavorable comments were received on the proposal to revise § 29.1501. Accordingly, the proposal is adopted without substantive change.

Proposals 6–84 and 2–188. For comments related to Proposal 6–84 to amend § 29.1505, and for an explanation of the revisions to proposed § 29.1505(c), see Proposal 6–70.

Disposition of Proposal 2–188 to amend § 29.1545 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–84 to amend § 29.1505. No unfavorable comments were received on Proposal 2–188. Accordingly, the proposal is adopted without substantive change.

Proposal 6–85. For comments related to the proposal to revise § 29.1521(e), see Proposal 6–23.

Proposal 6–86. No unfavorable comments were received on the proposal to add a new § 29.1527. Accordingly, the proposal is adopted without substantive change.

[For discussion concerning the amendment of § 29.1545, see Proposals 6–84 and 2–188.]

Proposals 6–87 and 2–192. Proposal 6–87 proposed to revise § 29.1581(a) and (b) and to delete § 29.1581(c) and mark it "[Reserved]." Disposition of Proposal 2–192 to add a new § 29.1581(d) (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–87.

No unfavorable comment was received on Proposals 6–87 or 2–192. These proposals to amend § 29.1581 are adopted without substantive change except that proposed § 29.1581(a)(2) is revised in accordance with the discussion of the proposal to amend § 25.1581 (Proposal 6–55).

Proposal 6–88. For comments related to the proposal to amend § 29.1583, see Proposal 6–23.

Proposals 6–89 and 2–186. For comments related to Proposal 6–89 to add a new § 29.1585(c), see Proposal 6–75.

Disposition of Proposal 2–186 to amend § 29.1353 (Notice 75–10) was deferred so that it could be considered in connection with Proposal 6–89. For comments related to proposed § 29.1353(c), see the discussion of Proposal 2–87 under Proposal 6–57.

Proposal 6–90. No unfavorable comments were received on the proposal to amend § 91.31. Accordingly, the proposal to amend § 91.31 is adopted without substantive change.

Proposal 6–91. The proposal to amend § 91.37 was made to implement Proposals 2–49, 2–51, 2–52, and 2–93 to amend §§ 25.105, 25.125, 25.241 and 25.1533, respectively, contained in Airworthiness Review Notice No. 2 (Notice 75–10). Since the proposed amendments to Part 25 have been withdrawn (41 FR 55454), Proposal 6–91 is also withdrawn.

Proposal 6–92. Proposed § 121.141(b) would authorize an air carrier to revise the operating procedures and the format of the performance data for the applicable Airplane or Rotorcraft Flight Manual and include the revised information in the operator's manual required by § 121.133, if the revised procedures and performance data presentation are approved by the Administrator and are clearly identified as flight manual requirements. One commentator said that there was no need for the identification of the flight manual material. This requirement is in the current rule and the FAA does not have sufficient information at the present time to justify deleting it, especially with regard to the operating limitations.

The commentator also suggested that the second sentence of proposed § 121.141 (b) would be clarified by inserting a clause indicating that if the certificate holder elects to carry the manual required by § 121.133, he must retain all of the limitations section (of the flight manual) as written, unless deviations are specifically authorized by the Administrator. The FAA does not believe that the suggested change is necessary or appropriate. Proposed § 121.141(b) would not authorize a change in the substance or presentation of the operating limitations required for the applicable flight manual. Accordingly, the proposal to revise § 121.141(b) is adopted without substantive change.

DRAFTING INFORMATION

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ADOPTION OF THE AMENDMENT

Accordingly, Parts 1, 21, 23, 25, 27, 29, 91, and 121 of the Federal Aviation Regulations are amended as follows, effective March 1, 1978:

PART 1—DEFINITIONS AND ABBREVIATIONS

§ 1.1 [Amended]

1. By amending § 1.1 by deleting the term "Accelerate-stop distance" and its definition.

§ 1.2 [Amended]

2. By amending § 1.2 by revising the definition of V_1 to read as follows:

* * * * *

V_1 means takeoff decision speed (formerly denoted as critical engine failure speed).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

3. By adding a new § 21.5 following § 21.3 to read as follows:

§ 21.5 Airplane or Rotorcraft Flight Manual.

(a) With each airplane or rotorcraft that was not type certificated with an Airplane or Rotorcraft Flight Manual and that has had no flight time prior to March 1, 1979, the holder of a Type Certificate (including a Supplemental Type Certificate) or the licensee of a Type Certificate shall make available to the owner at the time of delivery of the aircraft a current approved Airplane or Rotorcraft Flight Manual.

(b) The Airplane or Rotorcraft Flight Manual required by paragraph (a) of this section must contain the following information:

(1) The operating limitations and information required to be furnished in an Airplane or Rotorcraft Flight Manual or in manual material, markings, and placards, by the applicable regulations under which the airplane or rotorcraft was type certificated.

(2) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the Flight Manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature or engine cooling operating limitations in the Flight Manual.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

§ 23.25 [Amended]

4. By adding at the end of § 23.25(b)(2) the word "and", by deleting § 23.25(b)(3), and by redesignating § 23.25(b)(4) as § 23.25(b)(3).

5. By amending § 23.29 by deleting paragraphs (a)(4) and (a)(5); by adding the word "and" after (a)(2); and by revising paragraph (a)(3) to read as follows:

§ 23.29 Empty weight and corresponding center of gravity.

(a) * * *

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of airplane systems, except potable water, lavatory precharge water, and water intended for injection in the engines.

* * * * *

6. By revising § 23.45 to read as follows:

§ 23.45 General.

(a) Unless otherwise prescribed, the performance requirements of this subpart must be met for still air and a standard atmosphere.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraphs (d) or (e) of this section, as appropriate.

(c) The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust, less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered airplanes, the performance, as affected by engine power, must be based on a relative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered airplanes, the performance, as affected by engine power or thrust, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F.

Between these two temperatures, the relative humidity must vary linearly.

7. By revising §§ 23.49 (a)(1) and (c)(1), and by adding a new § 23.49(e) to read as follows:

§ 23.49 Stalling speed.

(a) V_{S_0} is the stalling speed, if obtainable, or the minimum steady speed, in knots (CAS), at which the airplane is controllable, with the—

(1) Applicable power or thrust condition set forth in paragraph (e) of this section;

* * * * *

(c) V_{S_1} is the calibrated stalling speed, if obtainable, or the minimum steady speed, in knots, at which the airplane is controllable with the—

(1) Applicable power or thrust condition set forth in paragraph (e) of this section;

* * * * *

(e) The following power or thrust conditions must be used to meet the requirements of this section:

(1) For reciprocating engine-powered airplanes, engines idling, throttles closed or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed.

(2) For turbine engine-powered airplanes, the propulsive thrust may not be greater than zero at the stalling speed, or, if the resultant thrust has no appreciable effect on the stalling speed, with engines idling and throttles closed.

8. By revising § 23.51 to read as follows:

§ 23.51 Takeoff.

(a) For each airplane (except a skiplane for which landplane takeoff data has been determined under this paragraph and furnished in the Airplane Flight Manual) the distance required to takeoff and climb over a 50-foot obstacle must be determined with—

(1) The engines operating within approved operating limitations; and

(2) The cowl flaps in the normal takeoff position.

(b) For multiengine airplanes, the lift-off speed, V_{LOF}, may not be less than V_{MC} determined in accordance with § 23.149.

(c) Upon reaching a height of 50 feet above the takeoff surface level, the airplane must have reached a speed of not less than the following:

(1) For multiengine airplanes, the higher of—

(i) 1.1 V_{MC}; or

(ii) 1.3 V_{S_1}, or any lesser speed, not less than Vx plus 4 knots, that is shown to be safe under all conditions, including turbulence and complete engine failure.

(2) For single engine airplanes—

(i) 1.3 V_{S_1}; or

(ii) Any lesser speed, not less than Vx plus 4 knots, that is shown to be safe under all conditions, including turbulence and complete engine failure.

(d) The starting point for measuring seaplane and amphibian takeoff distance may be the point at which a speed of not more than three knots is reached.

(e) Takeoffs made to determine the data required by this section may not require exceptional piloting skill or exceptionally favorable conditions.

9. By revising § 23.65 to read as follows:

§ 23.65 Climb: All engines operating.

(a) Each airplane must have a steady rate of climb at sea level of at least 300 feet per minute and a steady angle of climb of at least 1:12 for landplanes or 1:15 for seaplanes and amphibians with—

(1) Not more than maximum continuous power on each engine;

(2) The landing gear retracted;

(3) The wing flaps in the takeoff position; and

(4) The cowl flaps or other means for controlling the engine cooling air supply in the position used in the cooling tests required by §§ 23.1041 through 23.1047.

(b) Each airplane with engines for which the takeoff and maximum continuous power ratings are identical and that has fixed-pitch, two-position, or similar propellers, may use a lower propeller pitch setting than that allowed by § 23.33 to obtain rated engine r.p.m. at Vx, if—

(1) The airplane shows marginal performance (such as when it can meet the rate of climb requirements of paragraph (a) of this section but has difficulty in meeting the angle of climb requirements of paragraph (a) of this section or of § 23.77); and

(2) Acceptable engine cooling is shown at the lower speed associated with the best angle of climb.

(c) Each turbine engine-powered airplane must be able to maintain a steady gradient of climb of at least 4 percent at a pressure altitude of 5,000 feet and a temperature of 81 degrees F (standard temperature plus 40 degree F) with the airplane in the configuration prescribed in paragraph (a) of this section.

10. By amending § 23.67 as follows:

1. By inserting the words "reciprocating engine-powered" after the first word "Each" in the lead-in sentence of § 23.67(a).

2. By inserting the words "reciprocating engine-powered" after the first word "For" in the lead-in sentence of § 23.67(b).

3. By adding new §§ 23.67 (c) and (d) to read as follows:

§ 23.67 Climb: One engine inoperative.

* * * * *

(c) For turbine-powered multiengine airplanes the following apply:

(1) The steady gradient of climb must be determined at each weight, altitude, and ambient temperature within the operational limits established by the applicant, with the—

(i) Critical engine inoperative, and its propeller in the minimum drag position;

(ii) Remaining engines at not more than maximum continuous power or thrust;

(iii) Landing gear retracted;

(iv) Wing flaps in the most favorable position; and

(v) The means for controlling the engine cooling air supply in the position used in the engine cooling tests required by §§ 23.1041 through 23.1047.

(2) Each airplane must be able to maintain the following climb gradients with the airplane in the configuration prescribed in paragraph (c)(1) of this section:

(i) 1.2 percent (or, if greater, a gradient equivalent to a rate of climb of 0.027 Vs_0^2) at a pressure altitude of 5,000 feet and standard temperature (41 degrees F).

(ii) 0.6 percent (or, if greater, a gradient equivalent to a rate of climb of 0.014 Vs_0^2) at a pressure altitude of 5,000 feet and 81 degrees F (standard temperature plus 40 degrees F).

(3) The minimum climb gradient specified in paragraphs (c)(2) (i) and (ii) of this section must vary linearly between 41 degrees F and 81 degrees F and must change at the same rate up to the maximum operating temperature approved for the airplane.

(4) In paragraphs (c)(2) (i) and (ii) of this section, rate of climb is expressed in feet per minute and Vs_0 is expressed in knots.

(d) For all multiengine airplanes, the speed for best rate of climb with one engine inoperative must be determined.

11. By revising § 23.75 to read as follows:

§ 23.75 Landing.

For airplanes (except skiplanes for which landplane landing data have been determined under this section and furnished in the Airplane Flight Manual), the horizontal distance necessary to land and come to a complete stop (or to a speed of approximately 3 knots for water landings of seaplanes and amphibians) from a point 50 feet above the landing surface must be determined as follows:

(a) A steady gliding approach with a calibrated airspeed of at least 1.3 Vs_1 must be maintained down to the 50-foot height.

(b) The landing may not require exceptional piloting skill or exceptionally favorable conditions.

(c) The landing must be made without excessive vertical acceleration or tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50-foot height.

(e) The pressures on the wheel braking system may not exceed those specified by the brake manufacturer.

(f) Means other than wheel brakes may be used if that means—

(1) Is safe and reliable;

(2) Is used so that consistent results can be expected in service; and

(3) Is such that exceptional skill is not required to control the airplane.

12. By revising § 23.77 to read as follows:

§ 23.77 Balked landing.

(a) For balked landings, each airplane must be able to maintain a steady angle of climb at sea level of at least 1:30 with—

(1) Takeoff power on each engine;

(2) The landing gear extended; and

(3) The wing flaps in the landing position, except that if the flaps may safely be retracted in two seconds or less without loss of altitude and without sudden changes of angle of attack or exceptional piloting skill, they may be retracted.

(b) Each turbine engine-powered airplane must be able to maintain a steady rate of climb of at least zero at a pressure altitude of 5,000 feet at 81 degrees F (standard temperature plus 40 degrees F), with the airplane in the configuration prescribed in paragraph (a) of this section.

13. By revising § 23.149 to read as follows:

§ 23.149 Minimum control speed.

(a) V_{MC} is the calibrated airspeed, at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative, and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than five degrees. The method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability expected in service.

(b) For reciprocating engine-powered airplanes, V_{MC} may not exceed 1.2 Vs_1 (where Vs_1 is determined at the maximum takeoff weight) with—

(1) Takeoff or maximum available power on the engines;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show V_{MC});

(5) Flaps in the takeoff position;

(6) Landing gear retracted;

(7) Cowl flaps in the normal takeoff position;

(8) The propeller of the inoperative engine—

(i) Windmilling;

(ii) In the most probable position for the specific design of the propeller control; or

(iii) Feathered, if the airplane has an automatic feathering device; and

(9) The airplane airborne and the ground effect negligible.

(c) For turbine engine-powered airplanes, V_{MC} may not exceed 1.2 Vs_1 (where Vs_1 is determined at the maximum takeoff weight) with—

(1) Maximum available takeoff power or thrust on the engines;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for takeoff;

(4) The maximum sea level takeoff weight (or any lesser weight necessary to show V_{MC});

(5) The airplane in the most critical takeoff configuration, except with the landing gear retracted; and

(6) The airplane airborne and the ground effect negligible.

(d) At V_{MC}, the rudder pedal force required to maintain control may not exceed 150 pounds, and it may not be necessary to reduce power or thrust of the operative engines. During recovery, the airplane may not assume any dangerous attitude and it must be possible to prevent a heading change of more than 20 degrees.

14. By revising § 23.161(c) to read as follows:

§ 23.161 Trim.

* * * * *

(c) *Longitudinal trim.* The airplane must maintain longitudinal trim under each of the following conditions:

(1) A climb with maximum continuous power at a speed between Vx and 1.4 Vs_1, with—

(i) The landing gear and wing flaps retracted; and

(ii) The landing gear retracted and the wing flaps in the takeoff position.

(2) A power approach with a 3 degree angle of descent, the landing gear extended, and with—

(i) The wing flaps retracted and at a speed of 1.4 Vs_1; and

(ii) The applicable airspeed and flap position used in showing compliance with § 23.75.

(3) Level flight at any speed from 0.9 V_H to either Vx or 1.4 Vs_1, with the landing gear and wing flaps retracted.

* * * * *

§ 23.177 [Amended]

15. By deleting §§ 23.177(a)(4) and (b)(3) and revising the heading of the section to read "Static directional and lateral stability."

16. By revising § 23.181 and its heading to read as follows:

§ 23.181 Dynamic stability.

(a) Any short period oscillation not including combined lateral-directional oscillations occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the airplane must be heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position.

(b) Any combined lateral-directional oscillations ("Dutch roll") occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the airplane must be damped to 1/10 amplitude in 7 cycles with the primary controls—

(1) Free; and

(2) In a fixed position.

17. By amending § 23.729(f)(1) by revising the last sentence to read as follows:

§ 23.729 Retracting mechanism.

(1) * * * If there is a manual shut-off for the warning device prescribed in this paragraph, the warning system must be designed so that, when the warning has been suspended after one or more

throttles are closed, subsequent retardation of any throttle to or beyond the position for normal landing approach will activate the warning device.

* * * * *

18. By amending §§ 23.1043(a)(1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature" and by revising § 23.1043(b) to read as follows:

§ 23.1043 Cooling tests.

* * * * *

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of −69.7 degrees F is reached, above which altitude the temperature is considered constant at −69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

* * * * *

§ 23.1047 [Amended]

19. By amending § 23.1047 by striking the reference to "§ 23.65(a)(1)" in § 23.1047(b)(1) and by inserting "§ 23.65" in its place.

20. By adding a new § 23.1353(g) to read as follows:

§ 23.1353 Storage battery design and installation.

* * * * *

(g) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

21. By revising § 23.1501 to read as follows:

§ 23.1501 General.

(a) Each operating limitation specified in §§ 23.1505 through 23.1527 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 23.1541 through 23.1589.

22. By adding a new § 23.1521(e) to read as follows:

§ 23.1521 Powerplant limitations.

* * * * *

(e) *Ambient temperature.* For turbine engines, ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1047 is shown.

23. By revising § 23.1523 to read as follows:

§ 23.1523 Minimum flight crew.

The minimum flight crew must be established so that it is sufficient for safe operation considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kinds of operation authorized under § 23.1525.

24. By deleting § 23.1541(d) and by revising § 23.1541(c) to read as follows:

§ 23.1541 General.

* * * * *

(c) For airplanes which are to be certificated in more than one category—

(1) The applicant must select one category upon which the placards and markings are to be based; and

(2) The placards and marking information for all categories in which the airplane is to be certificated must be furnished in the Airplane Flight Manual.

25. By striking the word "and" from § 23.1555(c)(2), redesignating § 23.1555(c)(3) as (c)(4), and by adding a new (c)(3), and amending § 23.1555(d) to read as follows:

§ 23.1555 Control markings.

* * * * *

(c) * * *

(3) The conditions under which the full amount of usable fuel in any restricted usage fuel tank can safely be used must be stated on a placard adjacent to the selector valve for that tank; and

* * * * *

(d) Usable fuel capacity must be marked as follows:

(1) For fuel systems having no selector controls, the usable fuel capacity of the system must be indicated at the fuel quantity indicator.

(2) For fuel systems having selector controls, the usable fuel capacity available at each selector control position must be indicated near the selector control.

* * * * *

26. By deleting § 23.1559(a)(3), by striking the words "of more than 6,000 pounds maximum weight" from the first sentence of § 23.1559(a)(2), and by revising § 23.1559(a)(1) to read as follows:

§ 23.1559 Operations limitations placard.

(a) * * *

(1) For airplanes certificated in one category: The markings and placards installed in this airplane contain operating limitations which must be complied with when operating this airplane in the _____ category. (Insert category.) Other operating limitations which must be complied with when operating this airplane in this category are contained in the Airplane Flight Manual.

* * * * *

27. By revising § 23.1567(b) to read as follows:

§ 23.1567 Flight maneuver placard.

* * * * *

(b) For utility category airplanes, there must be—

(1) A placard in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following _____" (list approved maneuvers and the recommended entry speed for each); and

(2) For those airplanes that do not meet the spin requirements for acrobatic category airplanes, an additional placard in clear view of the pilot stating: "Spins Prohibited."

* * * * *

28. By deleting § 23.1581(c) and marking it "[Reserved]", by revising §§ 23.1581 (a) and (b), and by adding a new § 23.1581(d) to read as follows:

§ 23.1581 General.

(a) *Furnishing information.* An Airplane Flight Manual must be furnished with each airplane, and it must contain the following:

(1) Information required by §§ 23.1583 through 23.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* (1) Except as provided in paragraph (b)(2) of this section, each part of the Airplane Flight Manual containing information prescribed in §§ 23.1583 through 23.1589 must be approved, segregated, identified and clearly distinguished from each unapproved part of that Airplane Flight Manual.

(2) The requirements of paragraph (b)(1) of this section do not apply if the following is met:

(i) Each part of the Airplane Flight Manual containing information prescribed in § 23.1583 must be limited to such information, and must be approved, identified, and clearly distinguished from each other part of the Airplane Flight Manual.

(ii) The information prescribed in §§ 23.1585 through 23.1589 must be determined in accordance with the applicable requirements of this part and presented in its entirety in a manner acceptable to the Administrator.

(3) Each page of the Airplane Flight Manual containing information pre-

scribed in this section must be of a type that is not easily erased, disfigured, or misplaced, and is capable of being inserted in a manual provided by the applicant, or in a folder, or in any other permanent binder.

(c) [Reserved]

(d) *Table of contents.* Each Airplane Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

29. By deleting § 23.1583(j) and marking it "[Reserved]", and by revising § 23.1583(b) to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 23.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 23.1549 through 23.1553.

* * * * *

30. By deleting § 23.1585(b) and marking it "[Reserved]", and by revising § 23.1585(a) and adding new §§ 23.1585 (c)(4) and (e) to read as follows:

§ 23.1585 Operating procedures.

(a) For each airplane, information concerning normal and emergency procedures and other pertinent information necessary to safe operation must be furnished, including—

(1) The demonstrated crosswind velocity and procedures and information pertinent to operation of the airplane in crosswinds; and

(2) The airspeeds, procedures, and information pertinent to the use of the following airspeeds:

(i) The recommended climb speed and any variation with altitude.

(ii) V_x and any variation with altitude.

(iii) The approach speeds, including speeds for transition to the balked landing condition.

(b) [Reserved]

(c) * * *

(4) Procedures for takeoff determined in accordance with § 23.51.

* * * * *

(e) For each airplane showing compliance with §§ 23.1353 (g)(2) or (g)(3), the operating procedures for disconnecting the battery from its charging source must be furnished.

31. By revising § 23.1587 to read as follows:

§ 23.1587 Performance information.

(a) *General.* For each airplane, the following information must be furnished:

(1) Any loss of altitude more than 100 feet, or any pitch more than 30 degrees below flight level, occurring during the recovery part of the maneuver prescribed in § 23.201(b).

(2) The conditions under which the full amount of usable fuel in each tank can safely be used.

(3) The stalling speed, V_{S_0}, at maximum weight.

(4) The stalling speed, V_{S_1}, at maximum weight and with landing gear and wing flaps retracted, and the effect upon this stalling speed of angles of bank up to 60 degrees.

(5) The takeoff distance determined under § 23.51, the airspeed at the 50-foot height, the airplane configuration (if pertinent), the kind of surface in the tests, and the pertinent information with respect to cowl flap position, use of flight path control devices, and use of the landing gear retraction system.

(6) The landing distance determined under § 23.75, the airplane configuration (if pertinent), the kind of surface used in the tests, and the pertinent information with respect to flap position and the use of flight path control devices.

(7) The steady rate or gradient of climb determined under §§ 23.65 and 23.77, the airspeed, power, and the airplane configuration.

(8) The calculated approximate effect on takeoff distance (paragraph (a)(5) of this section), landing distance (paragraph (a)(6) of this section), and steady rates of climb (paragraph (a)(7) of this section), of variations in—

(i) Altitude from sea level to 8,000 feet; and

(ii) Temperature at these altitudes from 60 degrees F below standard to 40 degrees F above standard.

(9) For reciprocating engine-powered airplanes, the maximum atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1047 is shown.

(b) *Skiplanes.* For skiplanes, a statement of the approximate reduction in climb performance may be used instead of complete new data for skiplane configuration, if—

(1) The landing gear is fixed in both landplane and skiplane configurations;

(2) The climb requirements are not critical; and

(3) The climb reduction in the skiplane configurations is small (30 to 50 feet per minute).

(c) *Multiengine airplanes.* For multiengine airplanes, the following information must be furnished:

(1) The loss of altitude during the one-engine-inoperative stall shown under § 23.205 (as measured from the altitude at which the airplane starts to pitch uncontrollably to the altitude at which level flight is regained) and the pitch angle during that maneuver.

(2) The best rate of climb speed or the minimum rate of descent speed with one engine inoperative.

(3) The speed used in showing compliance with the cooling and climb requirements of § 23.1047(d)(5), if this speed is greater than the best rate of climb speed with one engine inoperative.

(4) The steady rate or gradient of climb determined under § 23.67 and the airspeed, power, and airplane configuration.

(5) The calculated approximate effect on the climb performance determined under § 23.67 of variations in—

(i) Altitude from sea level to 8,000 feet in a standard atmosphere and cruise configuration; and

(ii) Temperature, at those altitudes, from 60 degrees F below standard to 40 degrees F above standard.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

32. By deleting "—measured at a height of six feet above the runway." in the last phrase of § 25.21(d) and by adding a period in its place, and by adding a new § 25.21(f) to read as follows:

§ 25.21 Proof of compliance.

* * * * *

(f) In meeting the requirements of §§ 25.105(d), 25.125, 25.233, and 25.237, the wind velocity must be measured at a height of 10 meters above the surface, or corrected for the difference between the height at which the wind velocity is measured and the 10-meter height.

33. By amending § 25.29 by adding the word "and" at the end of paragraph (a)(2); by deleting paragraph (a)(4); and by revising paragraph (a)(3) to read as follows:

§ 25.29 Empty weight and corresponding center of gravity.

(a) * * *

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of airplane systems, except potable water, lavatory precharge water, and water intended for injection in the engines.

* * * * *

34. By revising § 25.107(a), (d), and (e)(1)(iv) to read as follows:

§ 25.107 Takeoff speeds.

(a) V_1 must be established in relation to V_{EF} as follows:

(1) V_{EF} is the calibrated airspeed at which the critical engine is assumed to fail. V_{EF} must be selected by the applicant, but may not be less than V_{MCG} determined under § 25.149(e).

(2) V_1, in terms of calibrated airspeed, is the takeoff decision speed selected by the applicant; however, V_1 may not be less than V_{EF} plus the speed gained with the critical engine inoperative during the time interval between the instant at which the critical engine is failed, and the instant at which the pilot recognizes and reacts to the engine failure, as indicated by the pilot's application of the first retarding means during accelerate-stop tests.

* * * * *

(d) V_{MU} is the calibrated airspeed at and above which the airplane can safely lift off the ground, and continue the takeoff. V_{MU} speeds must be selected by the applicant throughout the range of thrust-to-weight ratios to be certificated. These speeds may be established from free air data if these data are verified by ground takeoff tests.

(e) * * *
(1) * * *
(iv) A speed that, if the airplane is rotated at its maximum practicable rate, will result in a V_{LOF} of not less than 110 percent of V_{MU} in the all-engines-operating condition and not less than 105 percent of V_{MU} determined at the thrust-to-weight ratio corresponding to the one-engine-inoperative condition.

* * * * *

35. By revising § 25.109(a) to read as follows:

§ 25.109 Accelerate-stop distance.

(a) The accelerate-stop distance is the greater of the following distances:

(1) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_{EF} with all engines operating;

(ii) Accelerate the airplane from V_{EF} to V_1 and continue the acceleration for 2.0 seconds after V_1 is reached, assuming the critical engine fails at V_{EF}; and

(iii) Come to a full stop from the point reached at the end of the acceleration period prescribed in paragraph (a)(1)(ii) of this section, assuming that the pilot does not apply any means of retarding the airplane until that point is reached and that the critical engine is still inoperative.

(2) The sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1 and continue the acceleration for 2.0 seconds after V_1 is reached with all engines operating; and

(ii) Come to a full stop from the point reached at the end of the acceleration period prescribed in paragraph (a)(2)(i) of this section, assuming that the pilot does not apply any means of retarding the airplane until that point is reached and that all engines are still operating.

* * * * *

§ 25.111 [Amended]

36. By amending §§ 25.111(a)(2) and (a)(3) by deleting the symbol "V_1" and substituting in both places the symbol "V_{EF}".

37. By amending § 25.143 by deleting the value "180" under the column heading "Yaw" in the table of § 25.143(c) and inserting the value "150" in its place, and by revising § 25.143(b) to read as follows:

§ 25.143 General.

* * * * *

(b) It must be possible to make a smooth transition from one flight condition to any other flight condition without exceptional piloting skill, alertness, or strength, and without danger of exceeding the airplane limit-load factor under any probable operating conditions, including—

(1) The sudden failure of the critical engine;

(2) For airplanes with three or more engines, the sudden failure of the second critical engine when the airplane is in the en route, approach, or landing configuration and is trimmed with the critical engine inoperative; and

(3) Configuration changes, including deployment or retraction of deceleration devices.

* * * * *

§ 25.147 [Amended]

38. By amending § 25.147 by deleting the number "180" in paragraph (a) and inserting in its place the number "150".

39. By amending § 25.149 by—

1. Deleting paragraph (b) and redesignating paragraph (a) as paragraph (b);

2. Deleting the number "180" in paragraph (d) and inserting in its place the number "150"; and

3. By deleting the word "and" after (c)(5); by deleting the period at the end of (c)(6) and inserting in its place a semicolon and the word "and"; and by revising the paragraph (c) lead-in and adding new paragraphs (a), (c)(7), (e), (f), (g), and (h) to read as follows:

§ 25.149 Minimum control speed.

(a) In establishing the minimum control speeds required by this section, the method used to simulate critical engine failure must represent the most critical mode of powerplant failure with respect to controllability expected in service.

* * * * *

(c) V_{MC} may not exceed 1.2 Vs with—

* * * * *

(7) If applicable, the propeller of the inoperative engine—

(i) Windmilling;

(ii) In the most probable position for the specific design of the propeller control; or

(iii) Feathered, if the airplane has an automatic feathering device acceptable for showing compliance with the climb requirements of § 25.121.

* * * * *

(e) V_{MC_G}, the minimum control speed on the ground, is the calibrated airspeed during the takeoff run, at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with the use of primary aerodynamic controls alone (without the use of nose-wheel steering) to enable the takeoff to be safely continued using normal piloting skill and rudder control forces not exceeding 150 pounds. In the determination of V_{MC_G}, assuming that the path of the airplane accelerating with all engines operating is along the centerline of the runway, its path from the point at which the critical engine is made inoperative to the point at which recovery to a direction parallel to the centerline is completed may not deviate more than 30 feet laterally from the centerline at any point. V_{MC_G} must be established with—

(1) The airplane in each takeoff configuration or, at the option of the applicant, in the most critical takeoff configuration;

(2) Maximum available takeoff power or thrust on the operating engines;

(3) The most unfavorable center of gravity;

(4) The airplane trimmed for takeoff; and

(5) The most unfavorable weight in the range of takeoff weights.

(f) V_{MCL}, the minimum control speed during landing approach with all engines operating, is the calibrated airspeed at which, when the critical engine is suddenly made inoperative, it is possible to recover control of the airplane with that engine still inoperative, and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than 5 degrees. V_{MCL} must be established with—

(1) The airplane in the most critical configuration for approach with all engines operating;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with all engines operating;

(4) The maximum sea level landing weight (or any lesser weight necessary to show V_{MCL}); and

(5) Maximum available takeoff power or thrust on the operating engines.

(g) For airplanes with three or more engines, V_{MCL-2}, the minimum control speed during landing approach with one critical engine inoperative, is the calibrated airspeed at which, when a second critical engine is suddenly made inoperative, it is possible to recover control of the airplane with both engines still inoperative and maintain straight flight either with zero yaw or, at the option of the applicant, with an angle of bank of not more than 5 degrees. V_{MCL-2}, must be established with—

(1) The airplane in the most critical configuration for approach with the critical engine inoperative;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with the critical engine inoperative;

(4) The maximum sea level landing weight (or any lesser weight necessary to show V_{MCL-2});

(5) The power or thrust on the operating engines required to maintain an approach path angle of 3 degrees when one critical engine is inoperative; and

(6) The power or thrust on the operating engines rapidly changed, immediately after the second critical engine is made inoperative, from the power or thrust prescribed in paragraph (g)(5) of this section to—

(i) Minimum available power or thrust; and

(ii) Maximum available takeoff power or thrust.

(h) The rudder control forces required to maintain control at V_{MCL} and V_{MCL-2} may not exceed 150 pounds, nor may it be necessary to reduce the power or thrust of the operating engines. In addition, the airplane may not assume any dangerous attitudes or require exceptional piloting skill, alertness, or

strength to prevent a divergence in the approach flight path that would jeopardize continued safe approach when—

(1) The critical engine is suddenly made inoperative; and

(2) For the determination of V_{MCL-2}, the power or thrust on the operating engines is changed in accordance with paragraph (g)(6) of this section.

40. By revising § 25.177(b) to read as follows:

§ 25.177 Static directional and lateral stability.

* * * * *

(b) The static lateral stability (as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and for any landing gear and flap position and symmetrical power condition) may not be negative at any airspeed (except speeds higher than V_{FE} or V_{LE}, when appropriate) in the following airspeed ranges:

(1) From 1.2 V_{S_1} to V_{MO}/M_{MO}.

(2) From V_{MO}/M_{MO} to V_{FC}/M_{FC} unless the Administrator finds that the divergence is—

(i) Gradual;

(ii) Easily recognizable by the pilot; and

(iii) Easily controllable by the pilot.

* * * * *

41. By revising § 25.181 and its heading to read as follows:

§ 25.181 Dynamic stability.

(a) Any short period oscillation, not including combined lateral-directional oscillations, occurring between stalling speed and maximum allowable speed appropriate to the configuration of the airplane must be heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position.

(b) Any combined lateral-directional oscillations ("Dutch roll") occurring between stalling speed and maximum allowable speed appropriate to the configuration of the airplane must be positively damped with controls free, and must be controllable with normal use of the primary controls without requiring exceptional pilot skill.

42. By deleting § 25.201(c)(2), redesignating § 25.201 (c)(3) as (c)(2), and by adding a new § 25.201(d) to read as follows:

§ 25.201 Stall demonstration.

* * * * *

(d) Occurrence of stall is defined as follows:

(1) The airplane may be considered stalled when, at an angle of attack measurably greater than that for maximum lift, the inherent flight characteristics give a clear and distinctive indication to the pilot that the airplane is stalled. Typical indications of a stall, occurring either individually or in combination, are—

(i) A nose-down pitch that cannot be readily arrested;

(ii) A roll that cannot be readily arrested; or

(iii) If clear enough, a loss of control effectiveness, an abrupt change in control force or motion, or a distinctive shaking of the pilot's controls.

(2) For any configuration in which the airplane demonstrates an unmistakable inherent aerodynamic warning of a magnitude and severity that is a strong and effective deterrent to further speed reduction, the airplane may be considered stalled when it reaches the speed at which the effective deterrent is clearly manifested.

43. By deleting the term "§ 25.201(c)(2)" in § 25.207(c) and inserting in its place the term "§ 25.201(d)", and by adding a sentence at the end of § 25.207 (b) to read as follows:

§ 25.207 Stall warning.

* * * * *

(b) * * * If a warning device is used, it must provide a warning in each of the airplane configurations prescribed in paragraph (a) of this section at the speed prescribed in paragraph (c) of this section.

* * * * *

§ 25.233 [Amended]

44. By amending § 25.233(a) by deleting "0.2 V_{S_0}" and substituting "20 knots or 0.2 V_{S_0}, whichever is greater, except that the wind velocity need not exceed 25 knots."

45. By revising § 25.237 to read as follows:

§ 25.237 Wind velocities.

(a) For landplanes and amphibians, a 90-degree cross component of wind velocity, demonstrated to be safe for takeoff and landing, must be established for dry runways and must be at least 20 knots or 0.2 V_{S_0}, whichever is greater, except that it need not exceed 25 knots.

(b) For seaplanes and amphibians, the following applies:

(1) A 90-degree cross component of wind velocity, up to which takeoff and landing is safe under all water conditions that may reasonably be expected in normal operation, must be established and must be at least 20 knots or 0.2 V_{S_0}, whichever is greater, except that it need not exceed 25 knots.

(2) A wind velocity, for which taxiing is safe in any direction under all water conditions that may reasonably be expected in normal operation, must be established and must be at least 20 knots or 0.2 V_{S_0}, whichever is greater, except that it need not exceed 25 knots.

46. By adding a new § 25.255 following § 25.253 to read as follows:

§ 25.255 Out-of-trim characteristics.

(a) From an initial condition with the airplane trimmed at cruise speeds up to V_{MO}/M_{MO}, the airplane must have satisfactory maneuvering stability and controllability with the degree of out-of-trim in both the airplane nose-up and nose-down directions, which results from the greater of—

(1) A three-second movement of the longitudinal trim system at its normal rate for the particular flight condition with no aerodynamic load (or an equivalent degree of trim for airplanes that do not have a power-operated trim system), except as limited by stops in the trim system, including those required by § 25.655(b) for adjustable stabilizers; or

(2) The maximum mistrim that can be sustained by the autopilot while maintaining level flight in the high speed cruising condition.

(b) In the out-of-trim condition specified in paragraph (a) of this section, when the normal acceleration is varied from +1 g to the positive and negative values specified in paragraph (c) of this section—

(1) The stick force vs. g curve must have a positive slope at any speed up to and including V_{FC}/M_{FC}; and

(2) At speeds between V_{FC}/M_{FC} and V_{DF}/M_{DF} the direction of the primary longitudinal control force may not reverse.

(c) Except as provided in paragraphs (d) and (e) of this section, compliance with the provisions of paragraph (a) of this section must be demonstrated in flight over the acceleration range—

(1) −1 g to +2.5 g; or

(2) 0 g to 2.0 g, and extrapolating by an acceptable method to −1 g and +2.5 g.

(d) If the procedure set forth in paragraph (c)(2) of this section is used to demonstrate compliance and marginal conditions exist during flight test with regard to reversal of primary longitudinal control force, flight tests must be accomplished from the normal acceleration at which a marginal condition is found to exist to the applicable limit specified in paragraph (b)(1) of this section.

(e) During flight tests required by paragraph (a) of this section, the limit maneuvering load factors prescribed in §§ 25.333(b) and 25.337, and the maneuvering load factors associated with probable inadvertent excursions beyond the boundaries of the buffet onset envelopes determined under § 25.251(e), need not be exceeded. In addition, the entry speeds for flight test demonstrations at normal acceleration values less than 1 g must be limited to the extent necessary to accomplish a recovery without exceeding V_{DF}/M_{DF}.

(f) In the out-of-trim condition specified in paragraph (a) of this section, it must be possible from an overspeed condition at V_{DF}/M_{DF} to produce at least 1.5 g for recovery by applying not more than 125 pounds of longitudinal control force using either the primary longitudinal control alone or the primary longitudinal control and the longitudinal trim system. If the longitudinal trim is used to assist in producing the required load factor, it must be shown at V_{DF}/M_{DF} that the longitudinal trim can be actuated in the airplane nose-up direction with the primary surface loaded to correspond to the least of the following airplane nose-up control forces:

(1) The maximum control forces expected in service as specified in §§ 25.301 and 25.397.

(2) The control force required to produce 1.5 g.

(3) The control force corresponding to buffeting or other phenomena of such intensity that it is a strong deterrent to further application of primary longitudinal control force.

47. By adding a new § 25.703 following § 25.701 to read as follows:

§ 25.703 Takeoff warning system.

A takeoff warning system must be installed and must meet the following requirements:

(a) The system must provide to the pilots an aural warning that is automatically activated during the initial portion of the takeoff roll if the airplane is in a configuration, including any of the following, that would not allow a safe takeoff:

(1) The wing flaps or leading edge devices are not within the approved range of takeoff positions.

(2) Wing spoilers (except lateral control spoilers meeting the requirements of § 25.671), speed brakes, or longitudinal trim devices are in a position that would not allow a safe takeoff.

(b) The warning required by paragraph (a) of this section must continue until—

(1) The configuration is changed to allow a safe takeoff;

(2) Action is taken by the pilot to terminate the takeoff roll;

(3) The airplane is rotated for takeoff; or

(4) The warning is manually deactivated by the pilot.

(c) The means used to activate the system must function properly throughout the ranges of takeoff weights, altitudes, and temperatures for which certification is requested.

48. By revising § 25.729(e)(3) to read as follows:

§ 25.729 Retracting mechanism.

* * * * *

(e) * * *

(3) If there is a manual shutoff for the aural warning device prescribed in paragraph (e)(2) of this section, the warning system must be designed so that, when the warning has been suspended after one or more throttles are closed, subsequent retardation of any throttle to or beyond the position for a normal landing approach will activate the aural warning.

* * * * *

49. By revising § 25.1043(b) to read as follows:

§ 25.1043 Cooling tests.

* * * * *

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of −69.7 degrees F is reached, above which altitude the temperature is considered constant at −69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

* * * * *

50. By adding a new § 25.1353(c)(6) to read as follows:

§ 25.1353 Electrical equipment and installations.

* * * * *

(c) * * *

(6) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

51. By revising § 25.1501 to read as follows:

§ 25.1501 General.

(a) Each operating limitation specified in §§ 25.1503 through 25.1533 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 25.1541 through 25.1587.

52. By revising § 25.1521(e) to read as follows:

§ 25.1521 Powerplant limitations.

* * * * *

(e) *Ambient temperature.* Ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 25.1041 through 25.1045 is shown.

53. By deleting § 25.1581(c) and marking it "[Reserved]"; and by revising § 25.1581 (a) and (b) and adding a new § 25.1581(d) to read as follows:

§ 25.1581 General.

(a) *Furnishing information.* An Airplane Flight Manual must be furnished with each airplane, and it must contain the following:

(1) Information required by §§ 25.1583 through 25.1587.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§ 25.1583 through 25.1587, that is appropriate to the airplane, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) Each Airplane Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

54. By revising § 25.1583 (b) and (c) and by adding a new § 25.1583(i) to read as follows:

§ 25.1583 Operating limitations.

* * * * *

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 25.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 25.1549 through 25.1553.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 25.25 and 25.27 must be furnished in the Airplane Flight Manual. All of the following information must be presented either in the Airplane Flight Manual or in a separate weight and balance control and loading document which is incorporated by reference in the Airplane Flight Manual:

(1) The condition of the airplane and the items included in the empty weight as defined in accordance with § 25.29.

(2) Loading instructions necessary to ensure loading of the airplane within the weight and center of gravity limits, and to maintain the loading within these limits in flight.

(3) If certification for more than one center of gravity range is requested, the appropriate limitations, with regard to weight and loading procedures, for each separate center of gravity range.

* * * * *

(i) *Maneuvering flight load factors.* The positive maneuvering limit load factors for which the structure is proven, described in terms of accelerations, and a statement that these accelerations limit the angle of bank in turns and limit the severity of pull-up maneuvers, must be furnished.

55. By deleting the word "and" from the end of §§ 25.1585(a)(6) and (a)(9); by adding a semicolon and the word "and" at the end of §§ 25.1585(a)(9); and by revising §§ 25.1595(a)(7) and (c) and adding a new § 25.1585(a)(10) to read as follows.

§ 25.1585 Operating procedures.

(a) * * *

(7) Use of fuel jettisoning equipment, including any operating precautions relevant to the use of the system;

* * * * *

(10) Disconecting the battery from its charging source, if compliance is shown with § 25.1353(c)(6)(ii) or (c)(6)(iii).

* * * * *

(c) The buffet onset envelopes determined under § 25.251 must be furnished. The buffet onset envelopes presented may reflect the center of gravity at which the airplane is normally loaded

during cruise if corrections for the effect of different center of gravity locations are furnished.

56. By revising § 25.1587 to read as follows:

§ 25.1587 Performance information.

(a) Each Airplane Flight Manual must contain information to permit conversion of the indicated temperature to free air temperature if other than a free air temperature indicator is used to comply with the requirements of § 25.1303(a)(1).

(b) Each Airplane Flight Manual must contain the performance information computed under the applicable provisions of this Part (including §§ 25.115, 25.123, and 25.125 for the weights, altitudes, temperatures, wind components, and runway gradients, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained, including the speeds associated with the performance information.

(2) Vs determined in accordance with § 25.103.

(3) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights):

(i) Climb in the landing configuration.

(ii) Climb in the approach configuration.

(iii) Landing distance.

(4) Procedures established under §§ 25.101 (f), (g), and (h) that are related to the limitations and information required by § 25.1533 and by this paragraph. These procedures must be in the form of guidance material, including any relevant limitations or information.

(5) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

§ 27.25 [Amended]

57. By deleting § 27.25(b)(1)(iii) and adding the word "and" at the end of § 27.25(b)(1)(i).

58. By amending § 27.29 by adding the word "and" at the end of paragraph (a)(2); by deleting paragraphs (a)(4) and (a)(5) and by revising paragraph (a)(3) to read as follows:

§ 27.29 Empty weight and corresponding center of gravity.

(a) * * *

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of rotorcraft systems, except water intended for injection in the engines.

* * * * *

59. By revising the lead in of § 27.33 (b) and by adding a new § 27.33(e) to read as follows:

§ 27.33 Main rotor speed and pitch limits.

* * * * *

(b) *Normal main rotor high pitch limits (power-on).* For rotorcraft, except helicopters required to have a main rotor low speed warning under paragraph (e) of this section, it must be shown with power on and without exceeding approved engine maximum limitations, that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition. This must be met by— * * *

* * * * *

(e) *Main rotor low speed warning for helicopters.* For each single engine helicopter, and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails, there must be a main rotor low speed warning which meets the following requirements:

(1) The warning must be furnished to the pilot in all flight conditions, including power-on and power-off flight, when the speed of a main rotor approaches a value that can jeopardize safe flight.

(2) The warning may be furnished either through the inherent aerodynamic qualities of the helicopter or by a device.

(3) The warning must be clear and distinct under all conditions, and must be clearly distinguishable from all other warnings. A visual device that requires the attention of the crew within the cockpit is not acceptable by itself.

(4) If a warning device is used, the device must automatically deactivate and reset when the low-speed condition is corrected. If the device has an audible warning, it must also be equipped with a means for the pilot to manually silence the audible warning before the low-speed condition is corrected.

60. By revising § 27.45 including the heading to read as follows:

§ 27.45 General.

(a) Unless otherwise prescribed, the performance requirements of this subpart must be met for still air and a standard atmosphere.

(b) The performance must correspond to the engine power available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraphs (d) or (e) of this section, as appropriate.

(c) The available power must correspond to engine power, not exceeding the approved power, less—

(1) Installation losses; and

(2) The power absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F. Between these two temperatures, the relative humidity must vary linearly.

61. By changing the heading of § 27.65 and by revising §§ 27.65 (a)(2) and (b) to read as follows:

§ 27.65 Climb: All engines operating.

(a) * * *

(2) The climb gradient, at the rate of climb determined in accordance with paragraph (a)(1) of this section, must be either—

(i) At least 1:10 if the horizontal distance required to take off and climb over a 50-foot obstacle is determined for each weight, altitude, and temperature within the range for which certification is requested; or

(ii) At least 1:6 under standard sea level conditions.

(b) Each helicopter must meet the following requirements:

(1) V_Y must be determined—

(i) For standard sea level conditions;

(ii) At maximum weight; and

(iii) With maximum continuous power on each engine.

(2) If at any altitude within the range for which certification is requested, V_{NE} is less than V_Y the steady rate of climb must be determined—

(i) At the climb speed selected by the applicant at or below V_{NE};

(ii) Within the range from 2,000 feet below the altitude at which V_{NE} is equal to V_Y up to the maximum altitude for which certification is requested;

(iii) For the weights and temperatures that correspond to the altitude range set forth in paragraph (b)(2)(ii) of this section and for which certification is requested; and

(iv) With maximum continuous power on each engine.

62. By revising § 27.67(c) to read as follows:

§ 27.67 Climb: one engine inoperative.

* * * * *

(c) Maximum continuous power on the other engines and (for helicopters for which certification for the use of 30-minute power is requested) at 30-minute power.

63. By revising § 27.75(a)(2)(ii) to read as follows:

§ 27.75 Landing.

(a) * * *

(2) * * *

(ii) For multiengine rotorcraft, one engine inoperative and with each operating engine within approved operating limitations; and

* * * * *

64. By revising § 27.143(b) and adding a new § 27.143(e) to read as follows:

§ 27.143 Controllability and maneuverability.

* * * * *

(b) The margin of cyclic control must allow satisfactory roll and pitch control at V_{NE} with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power off (except for helicopters demonstrating compliance with paragraph (e) of this section) and power on.

* * * * *

(e) For helicopters for which a V_{NE} (power-off) is established under § 27.1505 (c), compliance must be demonstrated with the following requirements with critical weight, critical center of gravity, and critical rotor r.p.m.:

(1) The helicopter must be safely slowed to V_{NE} (power-off), without exceptional pilot skill, after the last operating engine is made inoperative at power-on V_{NE}.

(2) At a speed of 1.1 V_{NE} (power-off), the margin of cyclic control must allow satisfactory roll and pitch control with power off.

65. By revising § 27.175(c) to read as follows:

§ 27.175 Demonstration of static longitudinal stability.

* * * * *

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation at airspeeds from 0.5 times the speed for minimum rate of descent to V_{NE}, or to 1.1 V_{NE} (power-off) if V_{NE} (power-off) is established under § 27.1505(c), and with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power off;

(4) The landing gear—

(i) Retracted; and

(ii) Extended; and

(5) The rotorcraft trimmed at appropriate speeds found necessary by the Administrator to demonstrate stability throughout the prescribed speed range.

* * * * *

66. By amending §§ 27.1043 (a)(1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature", and by revising the lead-in of § 27.1043(a) and revising § 27.1043(b) to read as follows:

§ 27.1043 Cooling tests.

(a) *General.* For the tests prescribed in § 27.1041(b), the following apply:

* * * * *

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of −69.7 degrees F is reached, above which altitude the temperature is considered constant at −69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

* * * * *

67. By adding a new § 27.1353(g) to read as follows:

§ 27.1353 Storage battery design and installation.

* * * * *

(g) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

68. By revising § 27.1501 to read as follows:

§ 27.1501 General.

(a) Each operating limitation specified in §§ 27.1503 through 27.1525 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 27.1541 through 27.1589.

69. By revising § 27.1505(a) and adding a new § 27.1505(c) to read as follows:

§ 27.1505 Never-exceed speed.

(a) The never-exceed speed, V_{NE}, must be established so that it is—

(1) Not less than 40 knots (CAS); and

(2) Not more than the lesser of—

(i) 0.9 times the maximum forward speeds established under § 27.309; or

(ii) 0.9 times the maximum speed shown under §§ 27.251 and 27.629.

* * * * *

(c) For helicopters, a stabilized power-off V_{NE} denoted as V_{NE} (power-off) may be established at a speed less than V_{NE} established pursuant to paragraph (a) of this section, if the following conditions are met:

(1) V_{NE} (power-off) is not less than a speed midway between the power-on V_{NE} and the speed used in meeting the requirements of—

(i) § 27.65(b) for single engine helicopters; and

(ii) § 27.67 for multiengine helicopters.

(2) V_{NE} (power-off) is—

(i) A constant airspeed;

(ii) A constant amount less than power-on V_{NE}; or

(iii) A constant airspeed for a portion of the altitude range for which certification is requested, and a constant amount less than power-on V_{NE} for the remainder of the altitude range.

70. By adding a new § 27.1521(f) to read as follows:

§ 27.1521 Powerplant limitations.

* * * * *

(f) *Ambient temperature.* For turbine engines, ambient temperature limitations (including limitations for winterization installations, if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 27.1041 through 27.1045 is shown.

71. By adding a new § 27.1527 to read as follows:

§ 27.1527 Maximum operating altitude.

The maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be established.

72. By redesignating §§ 27.1545(b) (2) and (3) as (b) (3) and (4), respectively, by revising § 27.1545(b)(1), and adding a new § 27.1545(b)(2), to read as follows:

§ 27.1545 Airspeed indicator.

* * * * *

(b) * * *

(1) A red radial line—

(i) For rotorcraft other than helicopters, at V_{NE}; and

(ii) For helicopters, at V_{NE} (power-on)

(2) A red, cross-hatched radial line at V_{NE} (power-off) for helicopters, if V_{NE} (power-off) is less than V_{NE} (power-on).

* * * * *

73. By deleting § 27.1581(c) and marking it "[Reserved]"; and by revising §§ 27.1581 (a) and (b) and by adding a new § 27.1581(d) to read as follows:

§ 27.1581 General.

(a) *Furnishing information.* A Rotorcraft Flight Manual must be furnished with each rotorcraft, and it must contain the following:

(1) Information required by §§ 27.1583 through 27.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§ 27.1583 through 27.1589, that is appropriate to the rotorcraft, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

74. By revising § 27.1583(b) and adding a new § 27.1583(g) to read as follows:

§ 27.1583 Operating limitations.

* * * * *

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 27.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 27.1549 through 27.1553.

* * * * *

(g) *Altitude.* The altitude established under § 27.1527 and an explanation of the limiting factors must be furnished.

75. By adding new §§ 27.1585(c) and (d) to read as follows:

§ 27.1585 Operating procedures.

* * * * *

(c) For helicopters for which a V_{NE} (power-off) is established under § 27.1505(c), information must be furnished to explain the V_{NE} (power-off) and the procedures for reducing airspeed to not more than the V_{NE} (power-off) following failure of all engines.

(d) For each rotorcraft showing compliance with § 27.1353 (g)(2) or (g)(3), the operating procedures for disconnecting the battery from its charging source must be furnished.

76. By striking the parenthetical expression "(if provided)" after "Manual" in the lead-in of § 27.1587(b); by striking the word "and" following the semicolon at the end of § 27.1587(b)(1); by striking the period at the end of § 27.1587 (b)(2)(ii) and inserting in its place a semicolon followed by the word "and"; and by revising § 27.1587(a) and adding a new § 27.1587(b)(3) to read as follows:

§ 27.1587 Performance information.

(a) The rotorcraft must be furnished with the following information, determined in accordance with §§ 27.51 through 27.79 and 27.143(c):

(1) Enough information to determine the limiting height-speed envelope.

(2) Information relative to—

(i) The hovering ceilings and the steady rates of climb and descent, as affected by any pertinent factors such as airspeed, temperature, and altitude;

(ii) The maximum safe wind for operation near the ground; and

(iii) For reciprocating engine-powered rotorcraft, the maximum atmospheric temperature at which compliance with the cooling provisions of §§ 27.1041 through 27.1045 is shown.

(b) * * *

(3) The horizontal takeoff distance determined in accordance with § 27.65(a)(2)(i).

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

77. By amending § 29.29 by adding the word "and" at the end of paragraph (a)(2); by deleting paragraphs (a)(4) and (a)(5); and by revising paragraph (a)(3) to read as follows:

§ 29.29 Empty weight and corresponding center of gravity.

(a) * * *

(3) Full operating fluids, including—

(i) Oil;

(ii) Hydraulic fluid; and

(iii) Other fluids required for normal operation of rotorcraft systems, except water intended for injection in the engines.

* * * * *

78. By revising the lead-in of § 29.33 (b) and by adding a new § 29.33(e) to read as follows:

§ 29.33 Main rotor speed and pitch limits.

* * * * *

(b) *Normal main rotor high pitch limits (power-on).* For rotorcraft, except helicopters required to have a main rotor low speed warning under paragraph (e) of this section, it must be shown with power on and without exceeding approved engine maximum limitations, that main rotor speeds substantially less than the minimum approved main rotor speed will not occur under any sustained flight condition. This must be met by— * * *

* * * * *

(e) *Main rotor low speed warning for helicopters.* For each single engine helicopter, and each multiengine helicopter that does not have an approved device that automatically increases power on the operating engines when one engine fails, there must be a main rotor low speed warning which meets the following requirements:

(1) The warning must be furnished to the pilot in all flight conditions, including power-on and power-off flight, when the speed of a main rotor approaches a value that can jeopardize safe flight.

(2) The warning may be furnished either through the inherent aerodynamic qualities of the helicopter or by a device.

(3) The warning must be clear and distinct under all conditions, and must be clearly distinguishable from all other warnings. A visual device that requires the attention of the crew within the cockpit is not acceptable by itself.

(4) If a warning device is used, the device must automatically deactivate and reset when the low-speed condition is corrected. If the device has an audible warning, it must also be equipped with a means for the pilot to manually silence the audible warning before the low-speed condition is corrected.

79. By amending § 29.45 as follows:

1. By deleting paragraphs (a)(3) and (b)(3).

2. By deleting the semicolon and the word "and" at the end of paragraphs (a)(2) and (b)(2) and by adding periods in place thereof.

3. By adding the word "and" at the end of paragraphs (a)(1) and (b)(1).

4. By adding new paragraphs (c), (d), and (e) to read as follows:

§ 29.45 General.

* * * * *

(c) The available power must correspond to engine power, not exceeding the approved power, less—

(1) Installation losses; and

(2) The power absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(d) For reciprocating engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of 80 percent in a standard atmosphere.

(e) For turbine engine-powered rotorcraft, the performance, as affected by engine power, must be based on a relative humidity of—

(1) 80 percent, at and below standard temperature; and

(2) 34 percent, at and above standard temperature plus 50 degrees F.

Between these two temperatures, the relative humidity must vary linearly.

80. By changing the heading of § 29.65, by revising § 29.65(a) and by adding a new § 29.65(c) to read as follows:

§ 29.65 Climb: All engines operating.

(a) The steady rate of climb must be determined for each Category B rotorcraft—

(1) With maximum continuous power on each engine;

(2) With the landing gear retracted;

(3) For the weights, altitudes, and temperatures for which certification is requested; and

(4) At V_Y for standard sea level conditions at maximum weight and at speeds selected by the applicant at or below V_{NE} for other conditions.

* * * * *

(c) For Category A helicopters, if V_{NE} at any altitude within the range for which certification is requested is less than V_Y at sea level standard conditions, with maximum weight and maximum continuous power, the steady rate of climb must be determined—

(1) At the climb speed selected by the applicant at or below V_{NE};

(2) Within the range from 2,000 feet below the altitude at which V_{NE} is equal to V_Y up to the maximum altitude for which certification is requested;

(3) For the weights and temperatures that correspond to the altitude range set forth in paragraph (c)(2) of this section and for which certification is requested;

(4) With maximum continuous power on each engine; and

(5) With the landing gear retracted.

81. By revising § 29.143(b) and adding a new § 29.143(e) to read as follows:

§ 29.143 Controllability and maneuverability.

* * * * *

(b) The margin of cyclic control must allow satisfactory roll and pitch control at V_{NE} with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Critical rotor r.p.m.; and

(4) Power off (except for helicopters demonstrating compliance with paragraph (e) of this section) and power on.

* * * * *

(e) For helicopters for which a V_{NE} (power-off) is established under § 29.1505(c), compliance must be demonstrated with the following requirements with critical weight, critical center of gravity, and critical rotor r.p.m.:

(1) The helicopter must be safely slowed to V_{NE} (power-off), without ex-

ceptional pilot skill after the last operating engine is made inoperative at power-on VNE.

(2) At a speed of 1.1 VNE (power-off), the margin of cyclic control must allow satisfactory roll and pitch control with power off.

82. By revising § 29.175(c) to read as follows:

§ 29.175 Demonstration of static longitudinal stability.

* * * * *

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation at airspeeds from 0.5 times the speed for minimum rate of descent to VNE, or to 1.1 VNE (power-off) if VNE (power-off) is established under § 29.1505(c), and with—

(1) Critical weight;

(2) Critical center of gravity;

(3) Power off;

(4) The landing gear——

(i) Retracted; and

(ii) Extended; and

and (ii) extended; and

(5) The rotorcraft trimmed at appropriate speeds found necessary by the Administrator to demonstrate stability throughout the prescribed speed range.

* * * * *

83. By amending §§ 29.1043(a)(1) and (d) by deleting the words "maximum anticipated air temperature" and inserting in their place the words "maximum ambient atmospheric temperature" and by revising § 29.1043(b) to read as follows:

§ 29.1043 Cooling tests.

* * * * *

(b) *Maximum ambient atmospheric temperature.* A maximum ambient atmospheric temperature corresponding to sea level conditions of at least 100 degrees F must be established. The assumed temperature lapse rate is 3.6 degrees F per thousand feet of altitude above sea level until a temperature of −69.7 degrees F is reached, above which altitude the temperature is considered constant at −69.7 degrees F. However, for winterization installations, the applicant may select a maximum ambient atmospheric temperature corresponding to sea level conditions of less than 100 degrees F.

* * * * *

84. By adding a new § 29.1353(c)(6) to read as follows:

§ 29.1353 Electrical equipment and installation.

* * * * *

(c) * * *

(6) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

85. By revising § 29.1501 to read as follows:

§ 29.1501 General.

(a) Each operating limitation specified in §§ 29.1503 through 29.1525 and other limitations and information necessary for safe operation must be established.

(b) The operating limitations and other information necessary for safe operation must be made available to the crewmembers as prescribed in §§ 29.1541 through 29.1589.

86. By revising § 29.1505(a) and adding a new §29.1505(c) to read as follows:

§ 29.1505 Never-exceed speed.

(a) The never-exceed speed, VNE, must be established so that it is—

(1) Not less than 40 knots (CAS); and

(2) Not more than the lesser of—

(i) 0.9 times the maximum forward speeds established under § 29.309; or

(ii) 0.9 times the maximum speed shown under §§ 29.251 and 29.629.

* * * * *

(c) For helicopters, a stabilized power-off VNE denoted as VNE (power-off) may be established at a speed less than VNE established pursuant to paragraph (a) of this section, if the following conditions are met:

(1) VNE (power-off) is not less than a speed midway between the power-on VNE and the speed used in meeting the requirements of—

(i) § 29.67(a)(3) for Category A helicopters;

(ii) § 29.65(a) for Category B helicopters, except multi-engine helicopters meeting the requirements of § 29.67(b); and

(iii) § 29.67(b) for multi-engine Category B helicopters meeting the requirements of § 29.67(b).

(2) VNE (power-off) is—

(i) A constant airspeed;

(ii) A constant amount less than power-on VNE; or

(iii) A constant airspeed for a portion of the altitude range for which certification is requested, and a constant amount less than power-on VNE for the remainder of the altitude range.

87. By revising § 29.1521(e) to read as follows:

§ 29.1521 Powerplant limitations.

* * * * *

(e) *Ambient temperature.* Ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 29.1041 through 29.1049 is shown.

* * * * *

88. By adding a new § 29.1527 following § 29.1525 to read as follows:

§ 29.1527 Maximum operating altitude.

The maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be established.

89. By redesignating §§ 29.1545(b)(2) and (3) as (b)(3) and (4), respectively, by revising § 29.1545(b)(1), and adding a new § 29.1545(b)(2), to read as follows:

§ 29.1545 Airspeed indicator.

* * * * *

(b) * * *

(1) A red radial line—

(i) For rotorcraft other than helicopters, at VNE; and

(ii) For helicopters, at VNE; (power-on).

(2) A red, cross-hatched radial line at VNE (power-off) for helicopters, if VNE (power-off) is less than VNE (power-on).

* * * * *

90. By deleting § 29.1581(c) and marking it "[Reserved]", and by revising §§ 29.1581 (a) and (b) and adding a new § 29.1581(d) to read as follows:

§ 29.1581 General.

(a) *Furnishing information.* A Rotorcraft Flight Manual must be furnished with each rotorcraft, and it must contain the following:

(1) Information required by §§ 29.1583 through 29.1589.

(2) Other information that is necessary for safe operation because of design, operating, or handling characteristics.

(b) *Approved information.* Each part of the manual listed in §§29.1583 through 29.1589 that is appropriate to the rotorcraft, must be furnished, verified, and approved, and must be segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) [Reserved]

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

91. By revising § 29.1583(b) and by adding a new § 29.1583(h) to read as follows:

§ 29.1583 Operating limitations.

* * * * *

(b) *Powerplant limitations.* The following information must be furnished:

(1) Limitations required by § 29.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 29.1549 through 29.1553.

* * * * *

(h) *Altitude.* The altitude established under § 29.1527 and an explanation of the limiting factors must be furnished

92. By adding new §§ 29.1585 (c) and (d) to read as follows:

§ 29.1585 Operating procedures.

* * * * *

(c) For helicopters for which a V_{NE} (power-off) is established under § 29.1505(c), information must be furnished to explain the V_{NE} (power-off) and the procedures for reducing airspeed to not more than the V_{NE} (power-off) following failure of all engines.

(d) For each rotorcraft showing compliance with § 29.1353 (c)(6)(ii) or (c)(6)(iii), the operating procedures for disconnecting the battery from its charging source must be furnished.

PART 91—GENERAL OPERATING AND FLIGHT RULES

93. By revising § 91.31(b) and adding a new § 91.31(e) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

* * * * *

(b) No person may operate a U.S. registered civil aircraft—

(1) For which an Airplane or Rotorcraft Flight Manual is required by § 21.5 unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual or the manual provided for in § 121.141(b); and

(2) For which an Airplane or Rotorcraft Flight Manual is not required by § 21.5, unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual, approved manual material, markings, and placards, or any combination thereof.

* * * * *

(e) The Airplane or Rotorcraft Flight Manual, or manual material, markings and placards required by paragraph (b) of this section must contain each operating limitation prescribed for that aircraft by the Administrator, including the following:

(1) Powerplant (e.g., r.p.m., manifold pressure, gas temperature, etc.).

(2) Airspeeds (e.g., normal operating speed, flaps extended speed, etc.).

(3) Aircraft weight, center of gravity, and weight distribution, including the composition of the useful load in those combinations and ranges intended to ensure that the weight and center of gravity position will remain within approved limits (e.g., combinations and ranges of crew, oil, fuel, and baggage).

(4) Minimum flight crew.

(5) Kinds of operation.

(6) Maximum operating altitude.

(7) Maneuvering flight load factors.

(8) Rotor speed (for rotorcraft).

(9) Limiting height-speed envelope (for rotorcraft).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

94. By revising § 121.141(b) to read as follows:

§ 121.141 Airplane or rotorcraft flight manual.

* * * * *

(b) In each transport-category aircraft, the certificate holder shall carry either the manual required by § 121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane or Rotorcraft Flight Manual. If the certificate holder elects to carry the manual required by § 121.133, he may revise the operating procedures sections and modify the presentation of performance data from the applicable flight manual if the revised operating procedures and modified performance data presentation are—

(1) Approved by the Administrator; and

(2) Clearly identified as airplane or rotorcraft flight manual requirements.

(Secs. 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on January 9, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc.78-1034 Filed 1-13-78;8:45 am]

federal register

MONDAY, JANUARY 16, 1978

PART V



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

ADVISORY CIRCULAR CHECKLIST [AND STATUS OF FEDERAL AVIATION REGULATIONS]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2MM Effective Nov. 15, 1977]

ADVISORY CIRCULAR CHECKLIST [AND STATUS OF FEDERAL AVIATION REGULATIONS]

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars (and the status of Federal Aviation Regulations) as of Nov. 15, 1977.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used *only* when a circular covers more than one Part.

b. *General subject numbers.* The general subject matter areas and related numbers are as follows:

General Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

Within the General Subject Number Areas, specific selectivity in advisory circular mail lists is available corresponding to the applicable FAR Parts. For example: under the 60 general subject area, separate mail lists for advisory circulars issued in the 61, 63, 65, or 67 series are available.

c. *Breakdown of subject numbers.* When the volume of circulars in a series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Requirements Section, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following Government bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.

GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.

GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.

GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.

GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.

GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.

GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.

GPO Bookstore, Room 1356, 26 Federal Plaza, New York, NY 10007.

GPO Bookstore, Room 207, Federal Office Bldg., 200 N. High St., Columbus, OH 43215.

GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44199.

GPO Bookstore, Federal Office Bldg., Room 1214, 600 Arch St, Philadelphia, PA 19106.

GPO Bookstore, 45 College Center, 9319 Gulf Freeway, Houston, TX 77017.
GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.
GPO Bookstore, Federal Building, Room 190, 915 Second Ave., Seattle, WA 98174.
GPO Bookstore, Federal Building, Room 190, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.
GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.

Special Notice

Orders for subscription items can no longer be accepted by the bookstores. These orders must be placed directly with the Superintendent of Documents, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2 LL Advisory Circular Checklist, 7-15-77. Canceled by AC 00-2MM Advisory Circular Checklist, 11-15-77.
AC 00-44G Status of Federal Aviation Regulations, 5-1-77. Canceled by AC 00-44H Status of Federal Aviation Regulations, 9-30-77.
AC 20-6BB U.S. Civil Aircraft Register, Dec. 1976. Canceled by AC 20-6CC U.S. Civil Aircraft Register, July 1977.
AC 20-7N General Aviation Inspection Aids, Aug. 1976. Canceled by AC 20-7P General Aviation Inspection Aids, Aug. 1977.
AC 20-34A Prevention of Retractable Landing Gear Failures, 4-21-69. Canceled by
AC 20-348 Prevention of Retractable Landing Gear Failures, 7-13-77.
AC 20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products, 4-12-67. Canceled.
AC 21.25-1 Use of Restricted Category Airplanes for Glider Towing, 4-20-65. Canceled.
AC 21.303-2 Availability of Listing, "Parts Manufacturer Approvals"—1975, 3-31-76. Canceled by AC 21.303-2A Availability of Listing, "Parts Manufacturer Approvals"—1977, 10-1-77.
AC 43-9 Maintenance Records: General Aviation Aircraft, 2-19-75. Canceled by AC 43-9A Maintenance Records: General Aviation Aircraft, 9-9-77.
AC 61-1E Aircraft Type Ratings, 3-22-76. Canceled by AC 61-86 Pilot Type Rating Certificate Information, 6-30-77.
AC 61-2A Private Pilot (Airplane) Flight Training Guide, 9-1-64. Canceled.
AC 61-74 Flight Instructor—Rotorcraft—Helicopter—Written Test Guide, 5-8-74. Canceled by AC 61-74A Flight Instructor — Rotorcraft-Helicopter — Written Test Guide, 5-27-77.
AC 65-13B FAA Inspection Authorization Directory, 11-26-76. Canceled by AC 65-13C FAA Inspection Authorization Directory, 10-19-77.
AC 70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 10-26-76. Canceled by AC 70-2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation, and Deactivation of Airports, 9-23-77.
AC 90-12B Severe Weather Avoidance, 6-18-76. Canceled.
AC 90-43C Operations Reservations for High-Density Traffic Airports, 11-14-71. Canceled by AC 90-43D Operations Reservations for High-Density Traffic Airports, 7-20-77.
AC 90-54A Cruise Clearances, 11-27-73. Canceled.
AC 91-39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes, 1-18-74. Canceled.
AC 91-40 Terminal Control Area (TCA) Radar Outage, 1-17-74. Canceled.
AC 97-1 Runway Visual Range (RVR), 11-4-76. Canceled by AC 97-1A Runway Visual Range (RVR), 9-28-77.
AC 103-2 Information Guide for Air Carrier Handling of Radioactive Materials, 7-23-70. Canceled.
AC 140-1H Consilidated Listing of FAA Certificated Repair Stations, 2-9-76. Canceled by AC 140-1J Consolidated Listing of FAA Certificated Repair Stations, 7-27-77.
AC 150/5000-3C Address List for Regional Airports Divisions and Airport District Offices, 12-9-75. Canceled by AC 150/5000-3D Address List for Regional Airports Divisions and Airports District/Field Offices, 10-18-77.
AC 150/5050-2 Compatible Land Use Planning in the Vicinity of Airports, 4-13-67. Canceled.
AC 150/5190-3A Model Airport Hazard Zoning Ordinance, 9-19-72. Canceled by AC 150/5190-4 A Model Zoning Ordinance to Limit Height of Objects Around Airports, 8-23-77.
AC 150/5345-12A Specification for L-801 Beacon, 5-12-67. Canceled by AC 150/5345-12B Specification for L-801 Beacons, 9-8-77.
AC 150/5360-4 Guidelines for Federal Inspection Services Facilities at International Airports of Entry and Landing Rights Airports, 5-20-76. Canceled by AC 150/5360-4A Announcement of Availability—Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports, 10-7-77.
AC 150/5390-1A Heliport Design Guide, 11-5-69. Canceled by AC 150/5390-1B Heliport Design Guide, 9-22-77.
AC 183.29-1J Designated Engineering Representatives, 7-1-76. Canceled by AC 183.29-1K Designated Engineering Representatives, 7-1-77.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2MM Advisory Circular Checklist, 11-15-77.
AC 00-44H Status of Federal Aviation Regulations, 9-30-77.
AC 00-52 Ozone Irritation During High Altitude Flight, 7-21-77.
AC 20-6CC U.S. Civil Aircraft Register, July 1977.
AC 20-7P General Aviation Inspection Aids, August 1977.
Supplement 1 September 1977.
Supplement 2 October 1977.
AC 20-34B Prevention of Retractable Landing Gear Failures, 7-13-77.
AC 20-100 General Guidelines for Measuring Fire-Extinguishing Agent Concentrations in Powerplant Compartments, 9-21-77.
AC 20-101 Omega and Omega/VLF Navigation System Installation Approval in the Conterminous United States and Alaska, 10-14-77.
AC 21.303-2A Availability of Listing, "Parts Manufacturer Approvals"—1977, 10-1-77.
AC 43-9A Maintenance Records: General Aviation Aircraft, 9-9-77.
AC 43-15 Recommended Guidelines for Instrument Shops, 8-15-77.
AC 61-74A Flight Instructor Rotorcraft Helicopter Written Test Guide, 5-27-77.
AC 61-86 Pilot Type Rating Certificate Information, 6-30-77.
AC 65-13C FAA Inspection Authorization Directory, 10-19-77.
AC 70-2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 9-23-77.
AC 90-43D Operations Reservations for High-Density Traffic Airports, 7-20-77.
AC 91-23A Pilots Weight and Balance Handbook, 6-9-77.
AC 91-48 Acrobatics—Precision Flying With a Purpose, 6-29-77.
AC 91-49 General Aviation Procedures for Flight in North Atlantic Minimum Navigation Performance Specifications Airspace, 8-23-77.
AC 91-50 Importance of Transponder Operation and Altitude Reporting, 8-24-77.
AC 91-51 Airplane Deice and Anti-Ice Systems, 9-15-77.
AC 97-1A Runway Visual Range (RVR), 9-28-77.
AC 120-33 Operational Approval of Airborne Long-Range Navigation Systems for Flight Within the North Atlantic Minimum Navigation Performance Specifications Airspace, 6-24-7.
AC 120-34 Air Transportation of Mental Patients, 6-29-77.
AC 121-24 Passenger Safety Information Briefing and Briefing Cards, 6-23-77.
AC 121-25 Additional Weather Information: Domestic and Flag Air Carriers, 9-16-77.
AC 133-1 Rotorcraft External-Load Operations in Accordance with Federal Aviation Regulations Part 133, 7-15-77.
AC 140-1J Consolidated Listing of FAA Certificated Repair Stations, 7-22-77.
AC 150/5000-3D Address List for Regional Airports Divisions and Airports District/Field Offices, 10-18-77.
AC 150/5190-4 A Model Zoning Ordinance to Limit Height of Objects Around Airports, 8-23-77.
AC 150/5325-4 CH 12 Runway Length Requirements for Airport Design, 7-27-77.
AC 150/5340-27 Air-to-Ground Radio Control of Airport Lighting Systems, 8-10-77.
AC 150/5345-1E CH 2 Approved Airport Lighting Equipment, 8-8-77.
AC 150/5345-12B Specification for L-801 Beacons, 8-8-77.
AC 150/5360-4A Announcement of Availability—"Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports," 10-7-77.
AC 150/5390-1B Heliport Design Guide, 8-22-77.
AC 183.29-1K Designated Engineering Representatives, 7-1-77.
AC 210-5 Military Flying Activities, 9-23-77.

ADVISORY CIRCULAR CHECKLIST

Notice

Superintendent of Documents stock numbers have been included to aid Superintendent of Documents personnel in processing orders.

Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and and address appears on each list.

NOTICE

Prices shown are those in effect as of Nov. 15, 1977. Prices are subject to change swithout notice and the price that will be charged on your order will be those in effect as of the date your order is processed.

General

SUBJECT NO. 00

00–1 The Advisory Circular System (12–1–62).

Describes the FAA Advisory Circular System.

OO–2MM Advisory Circular Checklist (11–15–77).

Transmits the revised checklist of current FAA advisory circulars [and the status of the Federal Aviation Regulations] as of 11–15–77.

00–6A Aviation Weather (3–3–75).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. ($4.55 Supt. Docs.) SN 050–007–00283–1.

00–7A State and Regional Disaster Airlift (SARDA) Planning (6–3–74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

00–7A CH 1 Transmits revised material consisting of procedural changes for insertion in the basic.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club ($0.75 Supt. Docs.) SN 050–007–00065–1.

00–26 Definitions of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00–33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2–14–73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

00–34A Aircraft Ground Handling and Servicing (7–29–74).

Contains information and guidance for the servicing and ground handling of aircraft.

00–41A FAA Quality Control System Certification Program (11–3–75).

Describes the FAA Quality Control System Certification Program and the mechanics of implementation. It is intended for guidance and information only.

00–44H Status of the Federal Aviation Regulations (9–30–77).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

00–45A Aviation Weather Services (4–28–77).

Supplements AC 00–6A, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. ($3.00 Supt. Docs.) SN 050–007–00392–7.

00–46A Aviation Safety Reporting Program (3–31–76).

Advises that the FAA will modify the Aviation Safety Reporting Program, effective April 15, 1976, by utilizing NASA as a third party to receive and analyze the aviation safety reports. This study invites pilots, controllers, and other users of the airspace or any other person to report to NASA actual or potential discrepancies and dificiencies involving the safety of aircraft operations.

00–50 Low Level Wind Shear (4–8–76).

Provides guidance for recognizing the meteorological situations that produce the phenomenon widely known as low level wind shear.

00–52 Ozone Irritation During High Altitude Flight (7–21–77).

Defines ozone irritation, discusses its causes and symptoms, and describes a means of dealing with the problem should it occur in flight.

Procedural

SUBJECT NO. 10

11–1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12–21–72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

11–2 Notice of Proposed Rulemaking Distribution System (12–17–75).

Provides the public with information relative to participation in the FAA rulemaking process and explains the availability of the Notices.

Aircraft

SUBJECT NO. 20

20–3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6–1–73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

20–5D Plane Sense (2–11–76).

Provides general aviation information for the private aircraft owner and outlines requirements of owning and operating a personal type airplane.

AC 20–6CC U.S. Civil Aircraft Register (3-Vol. set) (July 1977).

Lists all active U.S. civil aircraft by registration number. ($26.00 Supt. Docs.) SN 050–007–00381–1.

20–7P General Aviation Inspection Aids, Summary (Aug. 1977).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft general. ($9.00; $11.25 foreign—Sub. Supt. Docs.) SN 050–011–90058–6.

20–7P Supplement 1 Sept. 1977.

20–7P Supplement 2 Oct. 1977.

20–9 Personal Aircraft Inspection Handbook (12–2–64).

(Out of print. Being revised.)

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. ($1.90 Supt. Docs.) SN 050–011–00001–1.

20–17B Surplus Aircraft of the Armed Forces (10–11–72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–27B Certification and Operation of Amateur-Built Aircraft (4–20–72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20–28A Nationally Advertised Construction Kits, Amateur Built Aircraft (12–29–72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29B Use of Aircraft Fuel Anti-icing additives (1–18–72).

Provides information on the use of anti-icing additives PFA–55MB and Mil–I–27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11–24–72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

20–33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5–1–75).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34B Prevention of Retractable Landing Gear Failures (7–13–77).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1976 (9–9–76).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1976. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37B Aircraft Metal Propeller Blade Failure (9–12–74).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41A Substitute Technical Standard Order (TSO) Aircraft Equipment (4–5–77).

Sets forth an acceptable means for complying with rules governing aircraft equipment installations in cases involving the substitution of technical standard order or equipment for functionally similar TSO approved equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

AC 20–43C Aircraft Fuel Control (10–20–76).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65.)

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67). (Consolidated Reprint—January 1974, includes Change 1.)

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6 6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56A Marking of TSO–C72b Individual Flotation Devices (4–1–75).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–59 CH 1 (8–24–72).

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62C Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (8–26–76).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–64 CH 1 (10–26–73).

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67A Airborne VHF Communication System Installations (10–17–72).

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4–11–75).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering, and color of aircraft position and anticollision lights.

20–76 Maintenance Inspection Notes for Boeing B–707/720 Series Aircraft (10–21–71).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–707/720 series aircraft.

20–77 Use of Manufacturers' Maintenance Manuals (3–22–72).

Informs owners and operators about the usefulness of manufacturers' maining, and maintaining aircraft, engines, tenance manuals for servicing, repair- and propellers.

20–78 Maintenance Inspection Notes for McDonnell Douglas DC–8 Series Aircraft (7–11–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC–8 series aircraft.

20–81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10–10–72).

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

20–82 Maintenance Inspection Notes for Fairchild Hiller F–27/FH–227 Series Aircraft (12–5–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F–27/FH–227 series aircraft.

20–82 CH 1 (7–12–73).

Provides additional material for subject advisory circular.

20–83 Maintenance Inspection Notes for Boeing B–737 Series Aircraft (1–17–73).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–737 series aircraft.

20–83 CH 1 (8–8–74).

Provides updating of material for the B–737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B–737 series aircraft are presented supplementing information currently in AC 20–83.

20–83 CH 2 (1–31–75).

20–84 Maintenance Inspection Notes for Boeing B–727 Series Aircraft (1–22–73).

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B–727 series aircraft.

20–84 CH 1 (8–8–74).

Updates material for the B–727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B–727 series aircraft are presented supplementing information currently available in AC 20–84.

20–84 CH 2 (1–31–75).

20–85 Emergency Locator Transmitters and Receivers (3–16–73).

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

20–86 Aviation Education through Building an Airplane (5–11–73).

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

20–87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5–7–73).

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

20–88 Guidelines on the Marking of Power-Plant Instruments (12–11–73).

Provides guidelines on the marking of aircraft powerplant instruments.

20–89 Communication Interference Caused by Unintentional Radio Transmissions (3–22–74).

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

20–90B Address List for Engineering and Manufacturing District Offices (12–3–76).

Transmits the address list for all Engineering and Manufacturing District Offices.

20–91 Lithium Batteries Used in Emergency Locator Transmitters (4–11–75).

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

20–92 Anti-Icing Additives to Reduce Icing Problems in Aviation Gasoline (1–12–76).

Title is self explanatory.

20–93 Flutter Due to Ice or Foreign Substance on or in Aircraft Control Surfaces (1–29–76).

Provides information concerning the potential hazard associated with aircraft control surface flutter caused by imbalance.

20–94 Digital Clock Installation in Aircraft (3–4–76).

Provides guidelines for operating and installing digital clocks in aircraft.

20–95 Fatigue Evaluation of Rotorcraft Structure (5–18–76).

Sets forth acceptable means, not the only means, of compliance with the provisions of FAR sections 27.571 and 29.571 dealing with the fatigue evaluation of rotorcraft structure.

20–96 Surplus Military Aircraft—A Briefing for Prospective Buyers (12–2–76).

Provides many answers to questions regarding the purchasing of surplus military aircraft (type certification, is the aircraft flyable, is it for spare parts, scrap?).

20–97 High-Speed Tire Maintenance and Operational Practices (1–28–77).

Provides information on the causes of aircraft tire failures and methods of increasing tire reliability.

20–98 Auxiliary Two-Way Airborne Radio System Installations (5–23–77).

Provides guidance concerning installation and operation of two-way radio communication systems which are not used for controlling an aircraft in flight (i.e., mobile telephone, amateur radio, etc.).

20–99 Antiskid and Associated Systems (5–27–77).

Provides an acceptable means, but not the only means, of complying with the requirement that antiskid and associated systems must be designed so that no probable malfunction will result in a hazardous loss of braking or directional control of an airplane.

20–100 General Guidelines for Measuring Fire-Extinguishing Agent Concentrations in Powerplant Compartments (9–21–77).

Describes the installation and use of a model GA–2A fire extinguisher agent concentration recorder in determining the distribution and concentration of fire-extinguishing agents when discharged in an aircraft powerplant compartment.

20–101 Omega and Omega/VLF Navigation System Installation Approval in the Conterminous U.S. and Alaska (10–14–77).

Presents criteria and an acceptable means, but not the sole means, of compliance for the installation approval of Omega and Omega/VLF Navigation Airborne Equipment as a means of VFR/IFR RNAV en route navigation within the conterminous U.S. and Alaska.

21–1B Production Certificates (5–10–76).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2C Export Airworthiness Approval Procedures (5–7–76).

This advisory circular provides general information and guidance concerning issuance of export approvals under Federal Aviation Regulations (FAR) Part 21, Subpart L.

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. ($2.05 Supt. Docs.) SN 050–011–00004–6.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5D Summary of Supplemental Type Certificates (Announcement of Availability) (4–7–76).

Announces the availability to the public of the new Summary of Supplemental Type Certificates (SSTC), dated January 1976. (See back of this checklist under "Internal Directives" for further information.)

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21–11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5–26–72).

Explains the objectives and concept of the FAA's subject program.

21–12 Application for U.S. Airworthiness Certificate, FAA Form 8130–6 (OMB 04–R0058) (1–17–73).

Provides instructions on the preparation and submittal of subject form.

21–13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4–5–73).

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and

aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

21–14 The Role of Simulation in the Aircraft Certification Process (6–12–75).

Informs the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

21–15 New Issuance System for "Aircraft Type Certificate Data Sheets and Specifications" and "Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications" (4–5–77).

Provides information concerning a change in the issuance system for the subject Type Certificates and Data Sheets.

21.303–1A Certification Procedures for Products and Parts (8–10–72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

21.303–2A Availability of Listing, "Parts Manufacturer Approvals"—1977 (10–1–77.).

Announces the availability of the parts listing from the Superintendent of Documents at a price of $8.50. Stock No. 050–007–00401–0.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25–6 Ground Proximity Warning Systems (GPWS) (12–31–74).

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

25.253–1A High-Speed Characteristics (12–27–76).

Sets forth an acceptable means, but not the only means, by which compliance may be shown with FAR 25.253 during certification flight tests.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457—1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

33–2A Aircraft Engine Type Certification Handbook (6–5–72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

36–1A Certificated Airplane Noise Levels (7–21–75).

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

36–2 Estimated (Uncertificated) Noise Levels of Aircraft (9–21–76).

Provides estimates of noise levels from airplanes not certificated to FAR Part 36 standards.

37–2A Test Procedures for Maximum Allowable Airspeed Indicators (10–22–74).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3A Radio Technical Commission for Aeronautics Document DO–160 (3–20–75).

This circular announces RTCA Document DO–160 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6E Summary of Airworthiness Directives (2–11–76).

Announces the availability of Summary of Airworthiness Directives dated January 1, 1976 from the FAA in Oklahoma City and how to obtain them.

43–2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8–22–74).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43–3 Nondestructive Testing in Aircraft (5–11–73).

Reviews the basic principles underlying nondestructive testing. ($0.75 Supt. Docs.) SN 5007–00208.

43–4 Corrosion Control for Aircraft (5–15–73).

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

43–4 CH 1 (3–1–74).

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

43–4 CH 2 (10–8–74).

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

43–5 Airworthiness Directives for General Aviation Aircraft (8–13–74).

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's, and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

43–6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9–19–74).

Provides information on the installation of encoding altimeters based upon recently acquired operating experience and on the maintenance of ATC transponders.

43–7 Ultrasonic Testing for Aircraft (9–24–74).

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. ($1 Supt. Docs.) SN 050–007–00282–3.

43–8 Maintaining Hot Air Balloons in an Airworthy Condition (1–2–75).

Contains information designed to assist balloon owners and operators in maintaining hot air balloons in an airworthy condition. Advises how the mainsponsibility under FAR Section 43.9.

43–9A Maintenance Records: General Aviation Aircraft (9–9–77).

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

43–10 Mechanical Work Performed on U.S. and Canadian Registered Aircraft (1–26–76).

Provides information and guidance to aircraft owners/operators and maintenance personnel concerning mechanical work performed on U.S. registered aircraft by Canadian maintenance personnel and on Canadian registered aircraft by U.S. maintenance personnel.

43–11 Reciprocating Engine Overhaul Terminology and Standards (4–7–76).

Discusses engine overhaul terminology and standards that are used by the aviation industry.

43–12 Preventive Maintenance (7–16–76).

Provides information concerning preventive maintenance and who may perform it.

43–14 Maintenance of Weather Radar Radomes (2–24–77).

Provides guidance material useful to repair facilities in the maintenance of weather radomes.

43–15 Recommended Guidelines for Instrument Shops (8–15–77).

Provides guidelines concerning environmental conditions for instrument repair and overhaul shops and information on calibration of test equipment.

43.9–1C Instruction for Completion of FAA Form 337 (12–20–73).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.13–1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4–17–72).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. ($3.70—Supt. Docs.) SN 050–011–00058–5.

43.13–1A CHG 1 (5–12–75).

Transmits new and revised material for basic advisory circular. ($0.65—Supt. Docs.) SN 050–007–00294–7.

43.13–1A Ch 2 (12–22–76).

Transmits revised material concerning aircraft instrument adjustments. ($0.35 Supt. Docs.) SN 050–007–00368–4.

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($3.60–$4.50 foreign Sub.—Supt. Docs.)

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1–15–74, and Change 16 dated 8–12–74.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

45–2 Identification and Registration Marking (7–7–72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

47–1A Aircraft Registration, Eligibility, Identification and Activity Report (6–7–73).

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

Airmen

SUBJECT NO. 60

60–2M Annual Aviation Mechanic Safety Awards Program (2–6–75).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–6A Airplane Flight Manuals (AFM), Approved Manual Materials, Markings, and Placards—Airplanes (2–9–76).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with these requirements.

60–9 Induction Icing—Pilot Precautions and Procedures (2–28–73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

60–10 Recommended Safety Parameters for Operation of Hang Gliders (5–16–74).

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

60–11 Aids Authorized for Use by Airman Written Test Applicants (8–27–74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

60–12 Availability of Industry-Developed Guidelines for the Conduct of the Biennial Flight Review (2–11–76).

Informs all FAA certificated flight instructors of the availability of, and how to obtain, the industry-developed guidelines for the conduct of the Biennial Flight Review.

60–13 The Accident Prevention Counselor Program (4–27–76).

Provides information to acquaint the general aviation community with the accident prevention counselor program and outlines the ways the accident prevention counselor force enhances aviation safety.

60–14 Aviation Instructor's Handbook (7–7–76).

Provides the aviation instructor with comprehensive, accurate, and easily understood information on learning and teaching and to relate this information to students. Cancels AC 61–16A. ($2.75 Supt. Docs.) SN 050–011–00072–1.

60–15A Publication of New Written Test Study Guides (6–9–77).

Announces the revision of the written test study guides for selected testing areas which will contain representative questions and responses used in the current FAA certification tests.

61–8C—Instrument Rating (Airplane) Written Test Guide (5–31–72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. ($1.45 Supt. Docs.) SN 050–007–00183–5.

61–9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1–15–74).

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. ($0.45 Supt. Docs.) SN 050–007–00226–2.

61–10A Private and Commercial Pilots Refresher Courses (9–27–72).

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. ($0.55 Supt. Docs.) SN 050–011–00060–5.

61–12H Student Pilot Guide (2–14–77).

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in Part 61. ($1.50 Supt. Docs.) SN 050–007–00377–3.

61–13A Basic Helicopter Handbook (4–5–73).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. ($2.50 Supt. Docs.) SN 050–011–00064–0.

61–18D Airline Transport Pilot (Airplane) Written Test Guide (2–14–75).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($2.05 Supt. Docs.) SN 050–007–00301–3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($2.15 Supt. Docs.) SN 050–007–00008–1.

61–23A Pilot's Handbook of Aeronautical Knowledge (7–10–70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. ($5.30 Supt. Docs.) SN 050–011–00051–8.

61–27B Instrument Flying Handbook (9–22–70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." ($3.35 Supt. Docs.) SN 050–007–00067–7.

61–31B Gyroplane Pilot Written Test Guide, Private and Commercial (4–14–76).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Certificate with a Rotorcraft-Gyroplane Rating under the provisions of FAR Part 61.

61–31B Chg 1 (5–13–77).

61–32B Private Pilot—Airplane—Written Test Guide (5–2–77).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge ($2.30 Supt. Docs.) SN 050–011–00073–9.

61–34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2–10–75).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.70 Supt. Docs.) SN 050–007–00288–2.

61–42A Airline Transport Pilot (Helicopter) Written Test Guide (1–20–72).

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. ($0.70 Supt. Docs.) SN 050–011–00057–7.

61–43A Glider Pilot Written Test Guide—Private and Commercial (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot certificate in attaining necessary aeronautical knowledge.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61–51 Reporting Flight Time on Pilot Applications, FAA Form 8420–3 (6–26–72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04–R0064.)

61–52B Flight Instructor of the Year Award Program (1–5–74).

Provides the details of the Flight Instructor of the Year Award Program.

61–54A Private Pilot Airplane . . . Flight Test Guide (4–18–75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the airplane category with a single-engine land/sea or multiengine land/sea rating. ($1.35 Supt. Docs.) SN 050–007–00300–5.

61–55A Commercial Pilot Airplane . . . Flight Test Guide (4–25–75).

Assists the applicant and the instructor in preparing for the flight test for certification as a commercial pilot with single engine land or sea rating and for multiengine land or sea ratings. ($1.10 Supt. Docs.) SN 050–007–00295–5.

61–56A Flight Test Guide, Instrument Pilot Airplane (5–7–76).

Assists the applicant and the instructor in preparing for the flight test for the Instrument Pilot Airplane Rating. ($0.55 Supt. Docs.) SN 050–007–00343–9.

61–57A Type Rating, Airplane, Flight Test Guide (5–1–75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for an Airplane Type Rating. ($0.70 Supt. Docs.) SN 050–007–00299–8.

61–58 Flight Instructor Practical Test Guide (5–1–73).

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. ($0.50 Supt. Docs.) SN 050–011–00067–4.

61–59A Private and Commercial Pilot—Helicopter—Flight Test Guide (3–3–77).

Assists applicants for the Private or Commerical Pilot Rotorcraft Certificate with Helicopter Rating in preparing for their certification flight test. ($1.60 Supt. Docs.) SN 050–007–00384–6.

61–60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneu-

ver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). ($0.65 Supt. Docs.) SN 050-011-00066-6.

61-61A Private and Commercial Pilot—Glider—Flight Test Guide (12-3-76).

Prepared to assist the applicant and the instructor in preparing for the flight test for the Private and the Commercial Pilot certificate with Glider Rating. Contains information concerning pilot operations, procedures and maneuvers relevant to the flight test. ($1.50 Supt. Docs.) SN 050-011-00071-2.

61-62A Private and Commercial Pilot—Free Balloon—Flight Test Guide (12-17-76).

Prepared to assist the applicant in preparing for the flight test for the Private or Commerical Pilot Certificate with a lighter-than-air category and free balloon class. Contains information concerning the operations, procedures, and maneuvers relevant to the flight test. ($1.10 Supt. Docs.) SN 050-007-00375-7.

61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

61-64 Flight Test Guide—Instrument Pilot Helicopter (7-23-73).

Assists the applicant and his instructor in preparing for the flight test for the instrument Pilot Helicopter Rating under the revised Part 61 ($0.55 Supt. Docs.) SN 050-007-00215-7.

61-65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9-5-73).

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

61-66 Annual Pilot in Command Proficiency Checks (11-2-73).

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

61-67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2-1-74).

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

61-68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2-27-74).

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

61-70 Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. ($1.65 Supt. Docs.) SN 050-007-00252-1.

61-71A Commercial Pilot Airplane Written Test Guide (3-24-77).

Outlines the aeronautical knowledge requirements for a commerical pilot rating, outlines source material for study, and includes representative test items and illustrations used in the FAA written test. ($2.30 Supt. Docs.) SN 050-007-00385-4.

61-72A Flight Instructor—Airplane—Written Test Guide (3-24-77).

Outlines the aeronautical knowledge requirements for certification as an airplane flight instructor, outlines source material for study, and provides representative test questions for the FAA written test. ($2.70 Supt. Docs.) SN 050-007-00386-2.

61-73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8-8-74).

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). ($1.20 Supt. Docs.) SN 050-007-00265-3.

AC 61-74A Flight Instructor, Rotorcraft—Helicopter Written Test Guide (5-27-77).

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. ($2.30 Supt. Docs.) SN 050-007-00400-1.

AC 61-75 Flight Instructor—Glider—Written Test Guide (9-18-74).

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. ($1.50 Supt. Docs.) SN 050-007-00271-8.

61-77 Airline Transport Pilot Airplane Practical Test Guide (Part 61 Revised) (4-23-74).

Designed to assist the applicant and his instructor in preparing for the Airline Transport Pilot Certificate with an Airplane Rating under FAR Part 61 (revised). ($0.50 Supt. Docs.) SN 050-007-00257-2.

61-81 Private and Commercial Pilot—Glider—Written Test Guide (4-27-76).

Contains a comprehensive study outline and a list of recommended study materials. Sample study questions and illustrations pertinent to the subject of glider flying are included ($1.60 Supt. Docs.) SN 050-007-00339-1.

61-82 Airline Transport Pilot—Helicopter—Flight Test Guide (8-25-76).

Describes procedures and maneuvers relevant to the ATP Certificate—Helicopter—that is limited to VFR and that which is not limited to VFR. Includes a suggested flight test checklist. ($0.80 Supt. Docs.) SN 050-007-00358-7.

61-83 Nationally Scheduled Federal Aviation Administration (FAA)-Approved, Industry-Conducted Flight Instructor Refresher Clinics (9-3-76).

Announces a concept pertaining to FAA-approved, industry-conducted Flight Instructor Refresher Clinics, outlines procedures for approval, and invites participation by interested industry groups.

61-84 Role of Preflight Preparation (4-11-77).

Provides guidance information on some elements of flight planning that should be considered in planning and conducting a safe, efficient flight.

61-86 Pilot Type Rating Certificate Information (6-30-77).

Provides pilot certificate designations adopted by the FAA for aircraft type ratings issued with pilot certificates.

63-1B Flight Engineer Written Test Guide (10-22-70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.85 Supt. Docs.) SN 050-007-00164-9.

63-2A Flight Navigator Written Test Guide (4-4-69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.70 Supt. Docs.) SN 050-007-00064-2.

65-2D Airframe and Powerplant Mechanics Certification Guide (1-30-76).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. ($1.30 Supt. Docs.) SN 050-007-00331-5.

65-4B Aircraft Dispatcher Written Test Guide (7-25-72).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. ($1.40 Supt. Docs.) SN 050-007-00190-8.

65–5A Parachute Rigger—Senior/ Master—Certification Guide (12–20–74).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. ($0.75 Supt. Docs.) SN 050–007–00287–4.

65–9A Airframe and Powerplant Mechanics—General Handbook (4–12–76).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. ($6.75 Supt. Docs.) SN 050–007–00379–0.

65–11A Airframe and Powerplant Mechanics Certification Information (4–21–71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.40 Supt. Docs.) SN 050–007–00171–1.

65–12A Airframe and Powerplant Mechanics Powerplant Handbook (4–12–76).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. ($6.50 Supt. Docs.) SN 050–007–00373–1.

65–13C FAA Inspection Authorization Directory (10–19–77).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of Aug. 31, 1977.

65–15A Airframe and Powerplant Mechanics Airframe Handbook (4–12–76).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. ($6.00 Supt. Docs.) SN 050–007–00391–9.

65–18 Report Availability of a Survey of the Aviation Mechanics Occupation (9–4–74).

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

65–19A Inspection Authorization Study Guide (11–17–76).

Provides guidance for persons who conduct annual and progressive inspections and approve major repairs and/or alternations of aircraft. It stresses the importance that certificated mechanics, holding IA's, have in air safety. Primarily intended for mechanics who hold or are preparing to take the test for an inspection authorization. ($0.65 Supt. Docs.) SN 050–007–00332–3.

67–1 Medical Information for Air Ambulance Operators (3–4–74).

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

67–2 Medical Handbook for Pilots (5–15–74).

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. ($1.45 Supt. Docs.) SN 050–007–00254–8.

Airspace

SUBJECT NO. 70

70–2B Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (9–23–77).

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

70/7460–1E Obstruction Marking and Lighting (11–1–76).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

70/7460–2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7–5–73).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT NO. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–23D Wake Turbulence (12–15–72).

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–42A Traffic Advisory Practices at Nontower Airports (8–16–72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

90–43D Operations Reservations for High-Density Traffic Airports (7–20–77).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

AC 90–45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2–21–75).

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

90–45A Ch 1 (9–15–75).

90–45A Ch 2 (7–22–76).

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

AC 90–50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2–7–75).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–58C VOR Course Errors Resulting from 50 kHz Channel Mis-Selection (4–7–75).

Provides information concerning a potentially hazardous situatic when a 200 channel VOR receiver is inadvertently mistuned by 50 kHz from the frequency of a 100 kHz ground station.

90–60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3–31–72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

90–62 Flying DME Arcs (1–23–73).

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

90–64 Automated Radar Terminal System (ARTS) III (6–22–73).

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

90–65 Air Traffic Fuel Economy Program (1–18–74).

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

AC 90–66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2–27–75).

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

90–67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8–15–75).

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

90–70 Straight-In Nonprecision Instrument Approach Procedures Visual Descent Point (VDP) (7–7–76).

Describes the concept, purpose, and use of a designated and published VDP to be provided on some straight-in nonprecision instrument approach procedures.

90–72 Minimum Safe Altitude Warning (MSAW) (11–30–76).

Describes the capabilities and limitations of the MSAW function being implemented at terminal facilities equipped with ARTS III.

90–73 Local Flow Traffic Management (1–13–77).

Describes new arrival procedures for ATC handling of high-performance aircraft.

90–74 Announcing the Availability of United States Terminal Instrument Procedures (TERPS) (2–4–77).

Announces the availability to the public of the Third Edition of the U.S. Standard for Terminal Instrument Procedures which is available from the Supt. of Docs. for $2.80. SN 050–007–00345–5.

90–75 Strobe Light System Inspection Practices (2–10–77).

Advises the general aviation community of the importance of proper maintenance of capacitive discharge strobe light systems which are installed within or near fuel systems.

90–76 Flight Operations in Oceanic Airspace (4–15–77).

Describes the basic requirements, limitations, and considerations applicable to flight proposed into oceanic airspace under U.S. ATC jurisdiction.

91–5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1–28–72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FAR's.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($1.15 Supt. Docs.) SN 050–009–00001–7.

91–13A Cold weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14B Altimeter Setting Sources (10–1–71).

Provides the aviation public, industry, and FAA filed personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($1.40 Supt. Docs.) SN 050–007–00147–9.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–22A Altitude Alerting Devices/Systems (12–23–71).

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

91–23A Pilot's Weight and Balance Handbook (6–9–77).

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. ($2.30 Supt. Docs.) SN 050–007–00405–2.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25A Los of Visual Cues During Low Visibility Landings (6–22–72).

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–32 Safety in and Around Helicopters (5–7–71).

Provides suggestions to improve helicopter safety by means of acquainting

nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

91–33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10–6–71).

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

91–34 Model Aircraft Operating Standards (7–1–72).

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

91–35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3–28–72).

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

91–36A VFR Flight Near Noise-Sensitive Areas (7–9–74).

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

91–37 Truth in Leasing (11–9–72).

Provides information and guidance for leasees and conditional buyers of U.S. registered large civil aircraft.

91–38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12–13–72).

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

91–41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3–12–74).

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

AC 91–42A Hazards of Rotating Propellers and Helicopter Rotor Blades (10–19–76).

Provides information on propeller- and rotor-to-person accidents and offers suggestions to reduce the frequency of their occurrence.

AC 91–43 Unreliable Airspeed Indications (6–26–75).

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

91–44 Emergency Locator Transmitters Operational and Maintenance Practices (2–20–76).

Provides guidelines relative to the installation, maintenance, and operation of emergency locator transmitters.

91–45A Airshow Waivers (5–16–77).

The purpose of this advisory circular is to provide prospective airshow sponsors with the information necessary to plan for and conduct safe, effective airshows. It is also intended to provide information pertaining to the procedures and requirements for issuance of airshow waivers.

91–46 Gyroscopic Instruments—Good Operating Practices (2–4–77).

Issued to re-emphasize to general aviation instrument-rated pilots the need to determine the proper operation of gyroscopic instruments, the importance of instrument cross-checks and proficiency in partial-panel operations.

91–47 Use of Portable Electronic Devices—Radio Receivers (3–23–77).

Intended to remind air carrier or commercial operators of the requirements of FAR 91.19 as they apply to pocket size radio receivers capable of reception in the 110–140 MHz band.

91–48 Acrobatics—Precision Flying With a Purpose (6–29–77).

Provides information to persons who are interested in acrobatic flying to improve their piloting skills as recreation, sport, or as a competitive activity.

91–49 General Aviation Procedures for Flight in North Atlantic Minimum Navigation Performance Specifications Airspace (8–23–77).

Sets forth acceptable means, but not the only means, of obtaining authorization to operate within specified airspace over the North Atlantic, designated as the NAT (North Atlantic) MNPS (Minimum Navigation Performance Specifications) airspace, after 0001 Greenwich Mean Time, Dec. 29, 1977. This requirement applies to persons operating under FAR Part 91 and for FAR Part 135 certificate holders, except those operating under Section 135.2.

91–50 Importance of Transponder Operation and Altitude Reporting (8–24–77).

Provides information and guidance concerning the importance of transponder operation and altitude reporting in the National Airspace System.

91–51 Airplane Deice and Anti-Ice Systems (9–15–77).

Provides information to pilots regarding ice protection system approval and the results of in-flight icing.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.79–1 Waivers of Section 91.79 of the Federal Aviation Regulations (4–21–76).

Announces the availability of waivers relating to FAR 91.79 and requests that interested persons contact any General Aviation District Office or Flight Standards District Office for specific information.

91.83–1A Canceling or Closing Flight Plans (3–25–75).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

97–1A Runway Visual Range (RVR) (9–28–77).

Describes RVR measuring equipment and its operating use.

99–1 Security Control of Air Traffic (1–12–72).

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5–1–74).

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

107–1 Aviation Security—Airports (5–19–72).

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal

Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–16A Continuous Airworthiness Program (9–11–69).

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

120–17 CH1 (6–24–66).

120–17 CH2 (5–6–68).

120–26D Civil Aircraft Operator Designators (11–11–76).

Revises the criteria and states the procedures for the assignment of International Civil Aviation Organization two-letter and FAA three-letter aircraft company designators.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–27 CH1 (11–20–73).

Adds Part 123 to subject circular.

120–28A Criteria for Approval of Category IIIa Landing Weather Minima (12–14–71).

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

120–28A CH1 (1–18–73).

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

120–29 CH 1 (12–15–71).

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

120–29 CH 2 (7–26–72).

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

120–29 CH 3 (12–3–74).

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

120–30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft (9–8–76).

This advisory circular is issued to clarify the mechanical reliability reporting requirements contained in Parts 121, 127, and 135 of the Federal Aviation Regulations (FAR) and the accident and incident reporting requirements of Part 830 (old Part 430) of the National Transportation Safety Board (NTSB), Safety Investigation Regulations.

120–31A Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems (4–21–77).

Sets forth an acceptable means, but not the only means, of obtaining airworthiness and operational approval of airborne OMEGA navigation systems used in updating self-contained navigation systems such as Doppler Radar and Inertial for operations outside the United States under FAR Part 121.

120–32 Air Transportation of Handicapped Persons (3–25–77).

Identifies some of the problems handicapped air travelers face and provides some guidelines to airline personnel to help alleviate these problems.

120–33 Operational Approval of Airborne Long-Range Navigation Systems for Flight Within the North Atlantic Minimum Navigation Performance Specifications Airspace (6–24–77).

Sets forth acceptable means, but not the only means, for operators certificated under FAR Parts 121 or 123 and operators utilizing large aircraft under FAR 135.2, to obtain approval to operate within a specific airspace over the NAT (North Atlantic) MNPS (Minimum Navigation Performance Specifications) airspace after 0001 Greenwich Mean Time, Dec. 29, 1977.

120–34 Air Transportation of Mental Patients (6–29–77).

Provides guidelines to organizations and persons responsible for transportation of mental patients and outlines the responsibilities of those escorting such persons.

121–1A Standard Operations Specifications—Aircraft Maintenance Handbook (6–26–73).

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

121–1A CH 1 (1–23–75).

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

121–1A CH 2 (8–19–76).

121–1A CH 3 (2–18–77).

121–3Q Maintenance Review Board Reports (9–3–76).

Revises the list of Maintenance Review Board Reports that are currently in effect.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH 1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH 2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14A Aircraft Simulator Evaluation and Approval (2–9–76).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under FAR 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121–17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3–14–72).

Provides general information regarding the requirements of FAR Amdt. 121–85.

121–18 Aviation Security—Carriage of Weapons and Escorted Persons (7–15–75).

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

121–19 Aviation Security—Property Acceptance and Handling Procedures—Indirect Air Carriers (3–17–76).

Provides information and guidance which may be used by "indirect air carriers" when providing property to be carried by "direct air carriers" or by the operator of any civil aircraft for transportation in air commerce.

121–20 Aviation Security: Supplemental Air Carriers (3–17–76).

Provides supplemental air carriers with information concerning recommended general security measures applicable to charter operations that should minimize the effects of crimes directed against air transportation.

121–21 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials (7–30–76).

Provides certificate holders under Parts 121 and 135 of the FARs with information relevant to recent amendment Docket HM–112 that incorporated FAR Part 103 into Title 49 of the CFR as Part 175. Outlines some of the substantive changes in the requirements for air transportation of hazardous materials.

121–22 Maintenance Review Board (MRB) (1–12–77).

Provides guidelines for establishing and conducting a MRB on newly manufactured aircraft, powerplant, or appliance to be used in air carrier service.

121–23 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (2–10–77).

Provides information regarding the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

121–24 Passenger Safety Information Briefing and Briefing Cards (6–23–77).

Contains information and guidance material for use by air carriers in the preparation of passenger safety information briefings.

121–25 Additional Weather Information: Domestic and Flag Air Carriers (9–16–77).

Provides guidance and standards to domestic and flag air carriers for approval of a system for obtaining forecasts and reports of adverse weather phenomena.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

129–1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Par 129 (9–25–75).

Provides guidance to foreign air carriers concerning the requirements of FAR Part 129, Sections 129.25 and 129.27.

133–1 Rotorcraft External-Load Operations in Accordance with FAR Part 133 (7–15–77).

Provides information for persons interested in applying for a Rotorcraft External-Load Operator Certificate.

135.144–1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4–13–72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static courses.

135–1C Air Taxi Aircraft Weight and Balance control (2–10–77).

Provides the procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2A Air Taxi Operators of Large Aircraft (11–16–73).

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3A Air Taxi Operators and Commercial Operators of Small Aircraft (1–16–75).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135–4A Aviation Security: Air Taxi Commercial Operators (ATCO) 4–15–76).

Provides recommended security measures applicable to ATCO operations that should minimize the effects of crimes directed against air transportation.

135–5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes (11–23–76).

Provides a means whereby air taxi operators may submit a maintenance program to comply with FAR Part 135, Section 135.114.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

139.12–1 Airport Operations Specifications (2–3–75).

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

139.49–1 Programs for Training of Fire Fighting and Rescue Personnel (11–12–74).

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140–1J Consolidated Listing of FAA Certificated Repair Stations (7–27–77).

Provides a revised directory of all FAA certificated repair stations as of May 31, 1977.

140–2K List of Certificated Pilot Schools (4–25–77).

Provides a list of FAA certificated pilot flight and ground schools as of Nov. 1976.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–5 Radio Maintenance Technician School Curriculum (8–11–71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

141–1 Pilot School Certification (8–29–74).

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).

141–2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (10–3–75).

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

143–1E Ground Instructor Written Test Guide–Basic & Advanced (1–24–77).

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. ($2.00 Supt. Docs.) SN 050–007–00382–0.

143–2C Ground Instructor—Instrument—Written Test Guide (1–30–76).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($1.40 Supt. Docs.) SN 050–007–00376–5.

145–2 Repair Station Limited Ratings Beech 18 Series Aircraft (4–21–76).

Advises of a required limited repair station rating to perform X-ray inspection of the Beech 18 wing and center section spar, and of the procedures for application.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2R Directory of FAA Certificated Aviation Maintenance Technician Schools (4–12–77).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of Nov. 1976.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

147–4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9–3–74).

Announces the public availability of the 1974 report on A Survey of Test Materials Used in Aviation Maintenance Technician Schools.

149–2H Listing of Federal Aviation Administration Certificated Parachute Lofts (5–10–76).

Provides a revised listing of all FAA certificated parachute lofts as of Jan. 31, 1976.

Airports

SUBJECT NO. 150

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–3D Address List for Regional Airports Divisions and Airport District Offices (10–18–77).

Transmits the address list for all regional Airports Divisions and Airport District Offices.

150/5050–3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan. ($2.50 Supt. Docs.) SN 050–007–00184–3.

150/5050–4 Citizen Participation in Airport Planning (9–26–75).

Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it demonstrates the need for early citizen participation.

150/5050–5 The Continuous Airport System Planning Process (11–28–75).

The purpose of this advisory circular is to provide guidance on the Continuous Airport System Planning Process (CASPP). This process is utilized in establishing a planning capability to monitor and assess the effects of changes in the many variables and issues influencing a plan with the objective of maintaining a plan responsive to current and forecast conditions. In addition to describing the components of a CASPP, sponsor organizational structures and Federal financial participation in continuous planning activities are discussed.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria Used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5060–4 Announcement of Availability—Federal Aviation Administration Technical Reports on Airport Capacity and Aircraft Delay (4–29–77).

Announces the availability of Federal Aviation Administration technical reports and computer programs describing techniques for determining airport capacity and aircraft delay. Provides ordering information.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.65 Supt. Docs.) SN 050–008–00003–7.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($3.00 Supt. Docs.) SN 050–008–00004–5.

150/5090–2 National Airport Classification System (Airport System Planning) (6–25–71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH I (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1–31–73).

Covers the basic labor requirements for the Airport Development Aid Program.

150/5100–6A CH 1 (3–16–73).

Transmits a revision to delete page 3–1 from subject Advisory Circular.

150/5100–7A Requirement for Public Hearing in the Airport Development Aid Program (2–25–72).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

150/5100–9 Engineering Services Under the Airport Development Aid Program (ADAP) (7–1–72). Consolidated reprint March 1977 includes Change 1.

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

150/5100–10A Accounting Records Guide for Airport Aid Program Sponsors (4–13–76).

This advisory circular sets forth recordkeeping requirements imposed on sponsors of Airport Development Aid Program (ADAP) and the Planning Grant Program (PGP) projects by the Airport and Airway Development Act of 1970, as amended. In addition, the Federal Aviation Regulations (FARs) require a sponsor to establish and maintain a financial management system that meets the standards set forth in FAR 152, Appendix K. This circular provides detailed explanations of these requirements.

150/5100–11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2–10–75).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91–646).

150/5100–12 Electronic Navigational Aids Approved for Funding Under the Airport Development Aid Program (9–20–76).

Provides a list of the electronic navigational aids equipment which are approved for funding under the ADAP.

150/5100–13 Development of State Standards for General Aviation Airports (3–1–77).

Provides guidelines and programming procedures for the development of state standards for general aviation airports as provided for in the Airport and Airway Development Act Amendments of 1976.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2A Federal Surplus Personal Property for Public Airport Purposes (8–3–73).

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

150/5150–2A CH I (2–21–74).

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2A Exclusive Rights at Airports (4–4–72).

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

150/5190–2A CH 1 (10–2–72).

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

150/5190–4 A Model Zoning Ordinance to Limit Height of Objects Around Airports (8–23–77).

Provides a model zoning ordinance to be used as a guide to control the height of objects around airports.

AIRPORT SAFETY—GENERAL

150/5200–3A Bird Hazards to Aircraft (3–2–72).

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airports During Maintenance of Runway Lighting (1–24–68).

Points out the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating

areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90-Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15A Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (5–4–77).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5200–17 Emergency Plan (2–5–72).

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

150/5200–17 CH–1 (6–28–74).

Provides additional guidance on care and services for uninjured aircraft passengers.

150/5200–18 Airport Safety Self-Inspection (2–5–72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

150/5200–19 Availability of Report No. FAA–RD–71–20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11–23–71).

Announces the availability of subject report.

150/5200–21 Announcing the Availability of U.S. Air Force Technical Order (T.O. 00–105–9) Aircraft Emergency Rescue Information (5–23–73).

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

150/5200–22 Announcing the Availability of the International Civil Aviation Organization Airport Services Manual, DOC–9137–AN/898, Part 3, Bird Control and Reduction (3–16–76).

Announces the availability of the manual, explains its purpose, and tells how to obtain copies.

150/5200–23 Airport Snow and Ice Control (11–1–76).

Provides guidance to assist airport owners/operators to establish or improve airport snow and ice control programs.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–26–73).

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

150/5210–6B CH 1 (8–22–73).

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

150/5210–6B CH 2 (5–21–74).

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

150/5210–7A Aircraft Fire and Rescue Communications (3–16–72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5210–12 Fire and Rescue Service for Certificated Airports (3–2–72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

150/5210–13 Water Rescue Plans, Facilities, and Equipment (5–1–72).

Suggests planning procedures facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–9 Aircraft Arresting System for Joint Civil/Military Airports (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5220–10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5–26–72).

Assists airport management in the development of local procurement specifications.

150/5220–10 CH 1 (12–4–72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

150/5220–10 CH 2 (8–22–73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

150/5240–7 A Fuel/Energy Conservation Guide for Airport Operators (2–19–74).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5280–1 Airport Operations Manual (6–16–72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280–3 Fire Fighting Exemptions Under the 1976 Amendment to the Federal Aviation Act (2–4–77).

Outlines the type of information that may be used as justification in supporting petitions for exemption from a portion or all of the fire fighting and rescue requirements of Part 139.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2C Airport Designs Standards—Site Requirements for Terminal Navigational Facilities (9–21–73). Consolidated reprint 1976 includes Change 1.

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

150/5300–4B Utility Airports—Air Access to National Transportation (6–24–75).

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

150/5300–4B CH 1 (8–24–76).

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69). Consolidated Reprint August 1975 Incorporates Changes 1 and 2.

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–8–72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300–8 CH 1 (4–3–75).

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

150/5300–9 Predesign and Preconstruction Conferences (ADAP) Projects (9–10–73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5300–10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7–21–75).

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.30 Supt. Docs.) SN 050–007–00149–5.

150/5320–6B Airport Pavement Design and Evaluation (5–28–74). Consolidated reprint 1976 includes change 1.

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320–10 Environmental Enhancement at Airports—Industrial Waste Treatment (4–16–73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320–10 CH 1 (11–18–74).

150/5320–11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9–21–73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

150/5320–12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (6–30–75).

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

150/5325–2C Airport Design Standards—Airports Served by Air Carriers—Surface Gradient and Line-of-Sight (2–6–75). Consolidated reprint 1975 includes Change 1.

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65). Consolidated Reprint May 1974. Includes Change 1.

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65). Consolidated Reprint 1977 Includes Changes 1 through 11.

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 12 (7–27–77).

150/5325–5B Aircraft Data (7–30–75). Consolidated reprint 1976 includes Change 1.

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

150/5325–6A Airport Design Standards—Effects and Treatment of Jet Blast (7–13–72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70). Consolidated reprint 1976 includes Change 1.

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–1A CH 2 (12–29–76).

Transmits revised pages to the subject advisory circular.

150/5335–2 Aiport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4–19–71). Consolidated reprint June 1977 includes Change 1.

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335–4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (7–21–75).

Provides criteria on runway geometric design for airports served by certificated route air carriers.

150/5335–4 Ch 1 (6–14–76).

150/5340–1D Marking of Paved Areas on Airports (1–19–73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–75). Consolidated March 1977 includes Change 1.

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5A Segmented Circle Airport Marker System (9–10–71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340–14B Economy Approach Lighting Aids (6–19–70). Consolidated reprint March 1977 includes Changes 1 and 2.

Describes standards for the design, selection, sitting, and maintenance of economy approach lighting aids.

150/5340–17A Standby Power for Non-FAA Airport Lighting Systems (3–19–71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340–21 Airport Miscellaneous Lighting Visual Aids (3–25–71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340–22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4–20–71). Consolidated reprint August 1977 includes Change 1.

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340–23A Supplemental Wind Cones (6–24–75).

Describes standards for the performance and location of supplemental wind cones.

150/5340–24 Runway and Taxiway Edge Lighting System (9–3–75).

Describes standards for the design, installation, and maintenance of runway and taxiway edge lighting.

150/5340–25 Visual Approach Slope Indicator (VASI) Systems (9–24–76).

Describes standards for the design, installation, and maintenance of visual approach slope indicator systems.

150/5340–25 CH 1 (5–3–77).

Transmits page changes to subject advisory circular.

150/5340–27 AIR-to-Ground Radio Control of Airport Lighting Systems (8–10–77).

Describes operating criteria for air-to-ground radio control of airport lighting systems.

150/5345-1E Approved Airport Lighting Equipment (9–9–76).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345–1E CH 1 (3–23–77).

Adds additional equipment and manufacturers to the approved list.

150/5345–1E CH 2 (9–8–77).

150/5345–2 Specification for L–810 Obstruction Light (11–4–63). Consolidated reprint June 1977 includes change 1.

Required for FAAP project activity.

150/5345–3C Specification for L–821 Panels for Remote Control of Airport Lighting (3–30–77).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–4 Specification for L–829 Internally Lighted Airport Taxi Guidance Sign (10–15–63). Consolidated reprint June 1977 includes Change 1.

Required for FAAP project activity.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7C Specification for L–824 Underground Electrical Cable for Airport Lighting Circuits (2–4–76).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–10C Specification for L–828 Constant Current Regulators (10–22–71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12B Specification for L–801 Beacon (9–8–77).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64). Consolidated reprint Sept. 1974 includes Change 1.

Required for FAAP project activity.

150/5345–21 Specification for L813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–26A Specification for L–823 Plug and Receptacle, Cable Connectors (5–4–71). Consolidated reprint June 1977 includes change 1.

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28C Specification for L–851 Visual Approach Slope Indicators and Accessories (3–23–77).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–39A FAA Specification L–853, Runway and Taxiway Centerline Retroreflective Markers (9–17–71).

Describes specification requirements for L–853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345–42A FAA Specification L–857, Airport Light Bases, Transformer Housings and Junction Boxes (10–1–73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–42A Ch 1 (11–14–75).

150/5345–43B FAA/DOD Specification L–856, High Intensity Obstruction Lighting Systems (11–1–73).

Contains equipment specifications for high intensity obstruction lighting systems.

150/5345–44A Specification for L–858, Retroreflective Taxiway Guidance Signs (7–20–71).

Describes the specification for retroreflective taxiway guidance signs.

150/5345–45 Lightweight Approach Light Structure (5–10–73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

150/5345–46 Specification for Semiflush Airport Lights (7–11–75).

Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.

150/5345–46 Ch 1 (9–9–75).

AC 150/5345–46 Ch 1 Errata Sheet (11–20–75).

150/5345–47 Isolation Transformers for Airport Lighting Systems (7–28–75).

Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.

150/5345–48 Specification for Runway and Taxiway Edge Lights (8–1–75).

Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.

150/5345–48 Ch 1 (7–13–76).

150/5345–49 Specification L–854, Radio Control Equipment (5–20–77).

Contains the specification for radio control equipment to be used for controlling airport lighting facilities.

150/5355–1A International Signs to Facilitate Passengers Using Airports (11–3–71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–4A Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports (10–7–77).

Announces the availability a booklet containing more current information on the requirements for Federal Inspection Services at airports of entry and at landing rights airports.

150/5360–5 Announcement of Availability of the International Civil Aviation Organizaton (ICAO) Computer Data Bank Material (8–13–76).

Announces the availability of computer data bank material on airports shown in the International Civil Aviation Organization (ICAO) Regional Air Navigation Plans and how it can be obtained.

150/5360–6 Airport Terminal Building Development with Federal Participation (10–5–76).

Provides guidance pertaining to Federal participation in airport terminal building construction under the provisions of the Airport and Airway Development Act, as amended.

150/5360–7 Planning and Design Consideration for Airport Terminal Building Development (9–5–76).

Presents planning and design procedures to be considered in airport terminal building development funded under the Airport and Airway Development Act, as amended.

150/5360–8 Announcement of Availability of Information on Foreign Airport Planning, Design, Construction, and Trade Opportunities (9–24–76).

Provides information on the availability of the U.S. Dept. of Commerce Foreign Trade Opportunities Program and on publications issued on foreign airport planning, design, construction, and trade opportunities.

150/5370–2A Operational Safety on Airports With Emphasis on Safety During Construction (6–20–75).

Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.

150/5370–2A CH 1 (8–2–76).

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5A Offshore Airports (2–21–75).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls To Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–9 Slip-Form Paving—Portland Cement Concrete (6–7–73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

150/5370–10 Standards for Specifying Construction of Airports (10–24–74).

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. ($7.25 Supt. Docs.) SN 050–007–00264–5.

150/5370–10 CH 1 (5–31–77).

150/5370–11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (6–4–76).

Provides guidance to the public on the use of nondestructive testing devices as aids in the evaluation of the load-carrying capacity of airport pavements.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390–1B Heliport Design Guide (8–22–77).

Contains design guidance material for the development of heliports, both surface and elevated.

PLANNING GRANT PROGRAM

150/5900–1A The Planning Grant Program for Airports (9–26–74).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

Air Navigational Facilities

SUBJECT NO. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementatoin of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

Administrative

SUBJECT NO. 180

183–30B FAA Designated Mechanic Examiners Directory (5–10–76).

Provides a revised directory of all FAA designated mechanic examiners as of Jan. 31, 1976.

183–31C FAA Designated Parachute Rigger Examiner Directory (5–10–76).

Provides a new directory of all FAA designated parachute rigger examiners as of Jan. 31, 1976.

183.29–1K Designated Engineering Representatives (7–1–77).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1A National Notice to Airmen System (12–10–75).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

210–4 National Notice to Airmen (NOTAM) System Handbook (3–3–77).

Announces the establishment of criteria for originating, preparing, and disseminating changes to essential flight information to pilots and other aviation interests as established by FAA Order 7930.1A.

210–4 National Notice to Airmen (NOTAM) System Handbook ADDENDUM.

Corrects contents pages.

210–5 Military Flying Activities (9–23–77).

Presents information about military flying activities in the National Airspace System, describes the various types of routes and areas allocated for this purpose, and explains how information on the location and status of these routes and areas can be obtained.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13–2.
Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13–1.
Aircraft Dispatcher Written Test Guide, AC 65–4.
Airframe and Powerplant Mechanics Airframe Handbook, AC 65–15.
Airframe and Powerplant Mechanics Certification Guide, AC 65–2.
Airframe and Powerplant Mechanics Certification Information, AC 65–11.
Airframe and Powerplant Mechanics—General Handbook, AC 65–9.
Airframe and Powerplant Mechanics Powerplant Handbook, AC 65–12.
Airline Transport Pilot—Airplane—Practical Test Guide (Part 61 Revised), AC 61–77.
Airline Transport Pilot (Airplane) Written Test Guide, AC 61–18.
Airline Transport Pilot (Helicopter) Written Test Guide, AC 61–42.
Airport Drainage, AC 150/5320–5.
Airport Master Plans, AC 150/5070–6.
Aviation Instructors Handbook, AC 60–14.
Aviation Weather, AC 00–6.
Aviation Weather Services, AC 00–45.
Basic Glider Criteria Handbook, AC 21–3.
Basic Helicopter Handbook, AC 61–13.
Commercial Pilot Airplane Flight Test Guide, AC 61–55.
Commercial Pilot Airplane Written Test Guide, AC 61–71.
Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61–34.
Flight Engineer Written Test Guide, AC 63–1.
Flight Instructor Instrument—Airplane—Written Test Guide, AC 61–70.
Flight Instructor Practical Test Guide, AC 61–58.
Flight Instructor Airplane Written Test Guide, AC 61–72.
Flight Test Guide—Gyroplane, Private and Commercial, AC 61–30.
Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61–25.
Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61–56.
Flight Test Guide—Instrument Pilot Helicopter, AC 61–64.
Flight Test Guide (Part 61 revised)—Private Airplane, AC 61–54.
Flight Navigator Written Test Guide, AC 63–2
Flight Training Handbook, AC 61–21.
Forming and Operating a Flying Club, AC 00–25.
General Aviation Inspection Aids, Summary, AC 20–7.
Ground Instructor—Instrument—Written Test Guide, AC 143–2.
Ground Instructor Written Test Guide—Basic and Advanced, AC 143–1.

Guide to Drug Hazards in Aviation Medicine, AC 91.11-1.
Heliport Design Guide, AC 150/5390-1.
Instrument Flying Handbook, AC 61-27.
Instrument Rating (Airplane) Written Test Guide, AC 61-8.
Inspection Authorization Study Guide, AC 65-19.
Medical Handbook for Pilots, AC 67-2.
Multiengine Airplane Class and Type Rating, AC 61-57.
Nondestructive Testing in Aircraft, AC 43-3.
Parachute Rigger Certification Guide, AC 65-5.
Personal Aircraft Inspection Handbook, AC 20-9.
Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61-9.
Pilot's Handbook of Aeronautical Knowledge, AC 61-23.
Pilot's Weight and Balance Handbook, AC 91-23.
Planning the Metropolitan Airport System, AC 150/5070-5.
Planning the State Airport System, AC 150/5050-3.
Private and Commercial Pilot, Flight Test Guide, AC 61-59.
Private and Commercial Pilot Glider, Flight Test Guide, AC 61-61.
Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61-60.
Private and Commercial Pilots Refresher Courses, AC 61-10.
Private and Commercial Pilot—Rotorcraft/Helicopter—Written Test Guide, AC 61-73.
Private Pilot (Airplane) Flight Training Guide, AC 61-2.
Private Pilot Written Test Guide, AC 61-32.
Standards for Specifying Construction of Airports, AC 150/5370-10.
Student Pilot Guide, AC 61-12.
Terrain Flying, AC 91-15.
Ultrasonic Nondestructive Testing for Aircraft, AC 43-7.
U.S. Civil Aircraft Register, AC 20-6.
Written Test Guide, Flight Instructor—Glider, AC 61-75.
Written Test Guide, Flight Instructor—Rotorcraft-Helicopter, AC 61-74.
Written Test Guide—Airplane—Flight Instructor, AC 61-72.
Written Test Guide—Airplane—Commercial Pilot, AC 61-71.

Internal Publications

Contractions Handbook, 7340.1E (10-1-75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (Sub. $18.00-$23.00 foreign—Supt. Docs.) TD 4.308:C76/975.

Location Identifiers, 7350.4L (1-26-78).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. (Sub. $18.00—$23.00 foreign—Supt. Docs.) TD 4.310:.

Air Traffic Control Handbook, 7110.65A (1-1-78).

Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services. Controllers are required to be familiar with the provisions of this handbook which pertain to their operational responsibility and to exercise their best judgment if they encounter situations not covered by it. (Sub. $16.00—$20.00 foreign—Supt. Docs.) TD 4.308 AI 7 3:978.

Flight Services, 7110.10D (1-1-77).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. (Sub. $18.30—$22.90 foreign—Supt. Docs.) TD 4.308: F 64/977.

United States Standard for Terminal Instrument Procedures (TERPS), 8260.3B (July 1976).

Contains criteria which shall be used to formulate, review, approve, and publish procedures for instrument approach and departure of aircraft to and from civil and military airports. These criteria are for application at any location over which an appropriate U.S. agency exercises jurisdiction. ($2.80 single copy. Supt. Docs.) Changes sold separately as issued.) SN 050-007-00345-5.

International Flight Information Manual, Vol. 25 (April 1977).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (Annual Sub. $9.00; $11.25 foreign—Supt. Docs.) TD 4.309:24/976.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly. (Annual Sub. $28.10 domestic—$35.15 foreign—Supt. Docs.) TD4.11:.

Airman's Information Manual:

Part 1—Basic Flight Information and ATC Procedures.

This part is issued semiannually and contains basic fundamentals required to fly in the U.S. National Airspace System; Among other data it also contains adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Pilot/Controller Glossary; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; and Emergency Procedures. (Annual Sub. $5.00, foreign $6.25. Supt. Docs.) TD 4.12: pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for civil use. It includes all of their services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3. Also included in Part 2 are U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; and a listing of Flight Service Station and National Weather Service Telephone Numbers. (Annual Sub. $7, foreign $8.75. Supt. Docs.) TD 4.12: pt. 2/.

Part 3—Operational Data and Special Notices.

Part 3 is issued every 56 days and contains an Airport-Facility Directory of all major airports in the conterminous U.S., Peurto Rico, and the Vrigin Islands with control towers and/or instrument landing systems; a tabulation of Air Navigation Radio Aids including Restrictions to En Route Navigation Aids; Special, General, & Area Notices; a tabulation of New and Permanently Closed Airports (which updates Part 2); Locations of VOR Receiver Check Points (both ground and airborne); a tabulation of North Atlantic Routes; Preferred Routes; Area Navigation Routes, and Sectional Chart Bulletins. (Annual subscription $30.50; $38.15 foreign. Supt. Docs.) TD 4.12: pt. 3.

Part 3A—Notices to Airmen.

Part 3A is issued every 14 days and contains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to all Parts of AIM. (Annual subscription $20.55; $25.70 foreign. Supt. Docs.) TD 4.12: pt. 3A.

Part 4—Graphic Notices and Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; Special Notice—Area Graphics; Terminal Area Graphics; Terminal Radar Service Area Graphics; Olive Branch Routes and other data not requiring frequent change. (Annual Sub. $14.40, foreign $18.00. Supt. Docs.) TD 4.12: pt. 4/.

NOTICE

The FAA has changed the issuance system for the Aircraft Type Certificate Data Sheets and Specifications and the Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications in an effort to reduce the cost to users. All subscriptions to these two volumes terminated on Dec. 31, 1976.

Beginning with the January 1977 editions the two titles will change to a new basic series title—Type Certificate Data Sheets and Specifications—and

will be grouped into six volumes with subtitles as follows:

Vol. I Single-Engine Airplanes.
Vol. II Small Multiengine Airplanes.
Vol. III Large Multiengine Airplanes.
Vol. IV Rotocraft, Gliders, and Balloons.
Vol. V Aircraft Engines and Propellers.
Vol. VI Aircraft Listing and Aircraft Engine Listing.

Type Certificate Data Sheets and Specifications

Vol. I Single Engine Airplanes (TCDS 1) (Sub. $38.00, foreign $47.50. Supt. Docs.).
Vol. II Small Multiengine Airplanes (TCDS 2) (Sub. $28.00, foreign $35.00. Supt. Docs.).
Vol. III Large Multiengine Airplanes (TCDS 3) (Sub. $32.00, foreign $40.00. Supt. Docs.).
Vol. IV Rotorcraft, Gliders, and Balloons (TCDS 4) (Sub. $16.50, foreign $20.75. Supt. Docs.).
Vol. V Aircraft Engines and Propellers (TCDS 5) (Sub. $27.00, foreign $33.75. Supt. Docs.).
Vol. VI Aircraft Listing and Aircraft Engine and Propeller Listing (SN 050–007–00360–9) (Single Copy $4.15, foreign $5.20. Supt. Docs.).

Volumes I, II, III, IV, and V will be sold on a subscription basis and monthly supplementary service is included in the sales price.

Volume VI .will be sold on a single-sales basis and will be issued as a revised edition when sufficient changes warrant.

Summary of Supplemental Type Certificates, January 1976.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($43.00—Sub., foreign $54.00. Supt. Docs.) TD 4.36:976.

NOTICE

The January 1976 issues of the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: ACC–23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

Summary of Airworthiness Directives for Small Aircraft (1–1–76) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1975. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. ($14.00 plus $3.50 additional for foreign handling.) SN 050–007–00306–4.

Summary of Airworthiness Directives for Large Aircraft (1–1–76) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1975. AD's for engines, propellers, and equipment are included in each volume. ($13.00 plus $3.25 additional for foreign handling.) SN 050–007–00307–2.

STATUS OF THE FEDERAL AVIATION REGULATION AS OF NOVEMBER 15, 1977

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00–44." Instructions for ordering this free status list are given in the front of each single-sale Part.

NOTE

The Special Federal Aviation Regulations (SFAR) which are presently in effect are now being included in their related FAR Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Parts sold on subscription service

Part	Title	Publication date	Catalog No.	Price: Domestic	Price: Additional for foreign handling	Price: Changes issued to date
1	Definitions and Abbreviations	June 1974	TD 4.6:1	$3.00	$0.75	5
21	Certification Procedures for Products and Parts.	May 1974	TD 4.6:21	3.75	.95	8
23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes.	June 1974	TD 4.6:23	3.55	.90	7
25	Airworthiness Standards: Transport Category Airplanes.	do	TD 4.6:25	6.60	1.65	6
33	Airworthiness Standards: Aircraft Engines.	August 1974	TD 4.6:33	3.00	.75	3
36	Noise Standards: Aircraft Type and Airworthiness Certification.	June 1974	TD 4.6:36	3.00	.75	7
37	Technical Standard Order Authorizations.	May 1974	TD 4.6:37	5.65	1.45	6
63	Certification: Flight Crewmembers Other Than Pilots.	September 1974	TD 4.6:63	3.00	.75	2
91	General Operating and Flight Rules	March 1974	TD 4.6:91	11.30	2.85	22
93	Special Air Traffic Rules and Airport Traffic Patterns.	do	TD 4.6:93	2.45	.65	5
[1] 103	Part Revoked as July 1, 1976.					
121	Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft.	April 1974	TD 4.6:121	19.00	4.75	25
123	Certification and Operations: Air Travel Clubs Using Large Airplanes.	do	TD 4.6:123	2.00	.50	4
139	Certification and Operations: Land Airports Serving CAB-Certificated Scheduled Air Carriers Operating Large Aircraft (Other Than Helicopters).	December 1974	TD 4.6:139	3.00	.75	4

[1] The regulations for the transportation of hazardous material by air is set forth in Part 175—Carriage by Aircraft, effective July 1, 1976, published in 41 FR 16106, April 15, 1976. This part is issued by the Materials Transportation Bureau, Department of Transportation. For information concerning hazardous material regulations, contact the Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

Parts sold on single-sales basis

Part	Title	Publication Date	Stock Number	Price [1]
11	General Rule-Making Procedures	May 1974	SN 050–007–00236–0	$1.30
	Change 1	Feb. 1, 1974	SN 050–007–00286–6	.45
		Jan. 1, 1975		
	Change 2	Mar. 18, 1976	SN 050–007–00325–1	.40
	Change 3	Jan. 1, 1976	SN 050–007–00340–4	.40
	Change 4	Sept. 6, 1977	SN 050–007–00390–1	.80
13	Enforcement Procedures	May 1974	SN 050–007–00230–1	.70
	Change 1	Aug. 2, 1976	SN 050–007–00334–0	.40
	Change 2	Dec. 13, 1976	SN 050–007–00357–9	.40
27	Airworthiness Standards: Normal Category Rotorcraft.	August 1974	SN 050–007–00244–1	2.10
	Change 1	Oct. 31, 1974	SN 050–007–00255–6	.75
	Change 2	Feb. 5, 1976	SN 050–007–00309–9	.35
	Change 3	Feb. 1, 1977	SN 050–007–00362–5	1.30
	Change 4	May 2, 1977	SN 500–007–00370–6	1.40
	Change 5	Sept. 1, 1977	SN 050–007–00393–5	1.40

Part	Title	Publication Date	Stock Number	Price [1]
29	Airworthiness Standards: Transport Category Rotorcraft.	August 1974	SN 050-007-00245-9	1.70
	Chagne 1	Oct. 31, 1974	SN 050-007-00256-4	.70
	Change 2	Feb. 5, 1976	SN 050-007-00310-2	.35
	Change 3	Jan. 14, 1975	SN 050-007-00351-0	.40
		Dec. 31, 1975		
	Change 4	Feb. 1, 1977	SN 050-007-00367-6	1.45
	Change 5	May 2, 1977	SN 050-007-00371-4	1.60
	Change 6	Sept. 1, 1977	SN 050-007-00394-3	1.40
31	Airworthiness Standards: Manned Free Balloons	August 1974	SN 050-007-00246-7	.40
	Change 1	Feb. 1, 1977	SN 050-007-00361-7	.65
35	Airworthiness Standards: Propellers	August 1974	SN 050-007-00247-5	.35
	Change 1	Feb. 1, 1977	SN 050-007-00363-3	.65
	Change 2	May 2, 1977	SN 050-007-00369-2	1.10
39	Airworthiness Directives [2]	May 1974	SN 050-007-00229-7	.35
43	Maintenance, Preventive Maintenance, Rebuilding and Alteration.	January 1974	SN 050-007-00311-1	1.80
45	Identification and Registration Marking	May 1974	SN 050-07-00231-9	.65
	Change 1	Sept. 14, 1977	SN 050-007-0395-1	.80
47	Aircraft Registration	May 1974	SN 050-007-000312-9	.85
	Change 1	Sept. 8, 1976	SN 050-007-00335-8	.40
49	Recording of Aircraft Titles and Security Documents.	May 1974	SN 050-007-00232-7	.50
	Change 1	Sept. 8, 1976	SN 050-007-00336-6	.40
61	Certification: Pilots and Flight Instructors	November 1974	SN 050-007-00313-7	2.90
	Change 1	Dec. 22, 1976	SN 050-007-00353-6	.50
	Change 2	May 9, 1977	SN 050-007-00372-2	.80
65	Certification: Airmen Other Than Flight Crewmembers.	September 1974	SN 050-007-00314-5	1.25
	Change 1	Oct. 17, 1977	SN 050-007-00399-4	.80
67	Medical Standards and Certification	September 1974	SN 050-007-00248-3	.50
	Change 1	Dec. 21, 1976	SN 050-007-00341-2	.40
71	Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points.[3]	January 1975	SN 050-007-00273-4	.85
	Change 1	July 28, 1975	SN 050-007-00290-4	.35
73	Special Use Airspace [3]	January 1975	SN 050-007-00274-2	.40
	Change 1	July 28, 1975	SN 050-007-00291-2	.35
75	Establishment of Jet Routes and Area High Routes.[3]	January 1975	SN 050-007-00275-1	.40
	Change 1	Apr. 26, 1976	SN 050-007-00326-9	.40
77	Objects Affecting Navigable Airspace	January 1975	SN 050-007-00276-9	1.10
95	IFR Altitudes [3]	do	SN 050-007-00277-7	.50
	Change 1	Feb. 13, 1975	SN 050-007-00285-8	.35
97	Standard Instrument Approach Procedures [4]	January 1975	SN 050-007-00278-5	.45
99	Security Control of Air Traffic	March 1974	SN 050-007-00224-6	.70
	Change 1	Mar. 11, 1976	SN 050-007-00324-2	.40
101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.	March 1974	SN 050-007-00223-8	.65
	Change 1	Aug. 20, 1974	SN 050-007-00242-4	.50
105	Parachute Jumping	March 1974	SN 050-007-00315-3	.55
	Change 1	Nov. 29, 1976	SN 050-007-00344-7	.40
107	Airport Security	March 1974	SN 050-007-00225-4	.40
	Change 1	Dec. 9, 1976	SN 050-007-00346-1	.40
127	Certification and Operations of Scheduled Air Carriers with Helicopters.	April 1974	SN 050-007-00316-1	1.80
	Change 1	Sept. 14, 1974	SN 050-007-00317-0	.35
	Change 2	Feb. 1, 1977	SN 050-007-00364-1	.65
129	Operations of Foreign Air Carriers	April 1974	SN 050-007-00228-9	.45
	Change 1	Oct. 9, 1975	SN 050-007-00293-9	.35
	Change 2	Aug. 23, 1976	SN 050-007-00333-1	.40
	Change 3	Nov. 29, 1976	SN 050-007-00347-1	.35
133	Rotorcraft External-Load Operations	November 1974	SN 050-007-00318-8	.55
	Change 1	Feb. 1, 1977	SN 050-007-00365-0	.65
	Change 2	Aug. 10, 1977	SN 050-007-00380-3	.90
	Change 3	June 25, 1977	SN 050-007-00389-7	.90
135	Air Taxi Operations and Commercial Operators of Small Aircraft.	November 1974	SN 050-007-00319-6	2.50
	Change 1	Nov. 15, 1974	SN 050-007-00320-0	.35
		Dec. 9, 1974		
	Change 2	May 15, 1975	SN 050-007-00321-8	.35
	Change 3	Nov. 29, 1976	SN 050-007-00346-3	.45
	Change 4	Feb. 1, 1977	SN 050-007-00366-8	.65
	Change 5	May 16, 1977	SN 050-007-00374-9	.90
	Change 6	Dec. 24, 1965	SN 050-007-00378-1	1.50
		Jan. 1, 1977		
		Dec. 22, 1976		
	Change 7	Sept. 21, 1977	SN 050-007-00397-8	.70
137	Agricultural Aircraft Operations	November 1974	SN 050-007-00258-1	.50
	Change 1	May 24, 1976	SN 050-007-00327-7	.35
	Change 2	Sept. 20, 1976	SN 050-007-00337-4	.40
141	Pilot Schools	November 1974	SN 050-007-00322-6	1.15
143	Gound Instructors	September 1974	SN 050-007-00249-1	.45
145	Repair Stations	January 1974	SN 050-007-00220-3	.85
	Change 1	Nov. 29, 1976	SN 050-007-00349-8	.40
147	Aviation Maintenance Technician Schools	September 1974	SN 050-007-00250-5	.65
	Change 1	Nov. 29, 1976	SN 050-007-00350-1	.40
149	Parachute Lofts	January 1974	SN 050-007-00221-1	.50
151	Federal Aid to Airports	December 1974	SN 050-007-00261-1	1.55
152	Airport Aid Program	do	SN 050-007-00323-4	1.35
	Change 1	Sept. 26, 1976	SN 050-007-00338-2	.40
	Change 2	Oct. 21, 1976	SN 050-007-00342-1	.45
	Change 3	June 27, 1977	SN 050-007-00387-1	.70
	Change 4	Aug. 25, 1977	SN 050-007-00396-0	.90
153	Acquisition of U.S. Land for Public Airports	December 1974	SN 050-007-00262-9	.50
154	Acquisition of U.S. Land for Public Airports Under the Airports and Airway Act of 1970.	do	SN 050-007-00269-6	.40
	Change 1	June 27, 1977	SN 050-007-00388-9	.70
155	Release of Airport Property from Surplus Property Disposal Restrictions.	December 1974	SN 050-007-00270-0	.40
157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.	January 1975	SN 050-007-00279-3	.40
159	National Capital Airports	December 1974	SN 050-007-00268-8	1.00
	Change 1	June 13, 1976	SN 050-007-00330-7	.35

See footnotes at end of table.

Part	Title	Publication Date	Stock Number	Price [1]
169	Expenditure of Federal Funds for Nonmilitary Airports on Air Navigational Facilities Thereon.	January 1975	SN 050-007-00280-7	.35
171	Non-Federal Navigation Facilities	do	SN 050-007-00281-5	1.10
	Change 1	Aug. 19, 1975	SN 050-007-00297-1	.65
183	Representatives of the Administrator	May 1974	SN 050-007-00233-5	.45
	Change 1	Jan. 9, 1976	SN 050-007-00352-8	.35
	Change 2	Aug. 30, 1977	SN 050-007-00398-6	.70
185	Testimony by Employees and Production of Records in Legal Proceedings and Service of Legal Process and Pleadings.	May 1974	SN 050-007-00237-8	.80
187	Fees	do	SN 050-007-00234-3	.40
189	Use of Federal Aviation Administration Communication System.	do	SN 050-007-00235-1	.40
191	Withholding Security Information From Disclosure Under the Air Transportation Security Act of 1974.	November 1976	SN 050-007-00359-5	.40

[1] Add 25% for foreign handling.

[2] Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125, Attn: AAC-23.

[3] Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

[4] Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC-24) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

BROOKS C. GOLDMAN,
Director, Office of Management Systems.

[FR Doc.78-922 Filed 1-13-78;8:45 am]

federal register

MONDAY, JANUARY 16, 1978
PART VI



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

AREAWIDE HOUSING OPPORTUNITY PLANS

Approval and Special Allocations, Availability of Community Development Block Grant and Comprehensive Planning Assistance (701) Program Funds, Closing Date for Submission of Requests

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-388]

PART 891—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE; ALLOCATION OF HOUSING ASSISTANCE FUNDS

Subpart E—Approval of Areawide Housing Opportunity Plans

Subpart F—Special Allocations Based Upon Areawide Housing Opportunity Plans

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: An Areawide Housing Opportunity Plan (Plan) is a strategy for a program of implementation activities developed by an Areawide Planning Organization (APO) which addresses areawide housing assistance needs and goals in accordance with the program objective of providing for a broader geographical choice of housing opportunities for lower income households outside areas and jurisdictions containing undue concentrations of low-income and minority households.

This rule sets forth requirements and procedures for the approval by HUD of Areawide Housing Opportunity Plans and for the award by HUD of special allocations of contract authority on the basis of Approved Plans.

The intended effect of the rule is: (1) To make the objectives of the Plan effort more explicit (2) to clarify and to revise the requirements for selection of Plans to serve as the basis for award of supplemental allocations of contract authority and (3) to provide for Plans approved by HUD to serve to the extent practicable, as the basis for the distribution of contract authority allocated by HUD within the Approved Plan area.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen W. Cooley, Office of Housing, 202-755-7330; Eugene Hix, Office of Community Planning and Development, 202-755-6228; or George Ferguson, Office of Policy Development and Research, 202-755-5521, Department of Housing and Urban Development, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On January 27, 1977, the Department of Housing and Urban Development (HUD) published proposed amendments (42 FR 5099) to Subparts A, "Definitions", and E, "Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds," of 24 CFR Part 891. Subpart E of Part 891 currently contains the policies and procedures governing special allocations to jurisdictions participating in an Area-wide Housing Opportunity Plan (Plan) selected by HUD.

HUD received over 30 responses to the January 27, 1977, publication. All of these comments were carefully considered, and a number of changes have been made to the proposed regulations as a result. Each significant change is discussed below.

Background

An Areawide Housing Opportunity Plan (Plan) is a strategy for a program of implementation activities developed by an Areawide Planning Organization (APO) which addresses areawide housing assistance needs and goals in accordance with the program objective of providing for a broader geographical choice of housing opportunities for lower income households outside areas and jurisdictions containing undue concentrations of low-income and minority households.

These Plans represent a cooperative effort between an APO and local jurisdictions (including counties, municipalities, and townships) within the Plan area for the development and implementation of a common areawide strategy which will meet existing housing needs as well as promote the deconcentration of lower income households from areas of undue concentration, including central cities.

A Plan approved by the Secretary in accordance with § 891, Subpart E, is to serve as the basis for the distribution of housing assistance within the Plan area. As such, an Approved Plan will constitute the assisted housing portion of the Section 701 Comprehensive Planning Program housing element pursuant to 24 CFR 600.70. An Approved Plan includes an areawide assessment of housing assistance needs; a procedure for distributing housing assistance to each jurisdiction in the Plan area in a manner which promotes the program objective; percentage goals for housing assistance for each jurisdiction in the Plan area; goals for outreach activities; and implementation activities for the APO and Participating Jurisdictions.

These regulations establish two potential uses for Plans by HUD. First, a Plan determined by HUD to have met the criteria in Subpart E would be designated by the Secretary as an "Approved Areawide Housing Opportunity Plan" (Approved Plan) and the aggregate amount of contract authority allocated in accordance with Subpart D of Part 891 to jurisdictions within the Plan area would be distributed, to the extent practicable, in accordance with the Approved Plan. The total amount of contract authority allocated to jurisdictions in the Plan area will be determined in accordance with Subpart D, and no additional contract authority would be available beyond that provided through that subpart. However, the geographical distribution of contract authority by program would be decided jointly by the HUD Field Office Director and the APO and would reflect the Approved Plan, to the extent practicable. Second, Plans which also meet the criteria in Subpart F would be considered by the Secretary for selection as the basis for special allocations of contract and budget authority to jurisdictions in the Plan area. Additional criteria contained in § 891.606 of Subpart F would identify plans for priority consideration for this purpose from among Approved Plans.

Because the Plans make an areawide assessment of housing needs and establish goals for each jurisdiction in the Plan area, they should provide an areawide framework for Housing Assistance Plans developed by local jurisdictions in the Plan area. For local jurisdictions not covered by a HAP, the Plan should also provide data comparable to that required in a HAP to ensure total coverage of the APOs jurisdiction. Development of the Plan will require a cooperative effort on the part of the APO and area jurisdictions in assessing housing needs, establishing goals, and determining appropriate implementation activities. Thus, the Plans will provide an areawide overview of housing needs, goals and implementation activities, and the HAPs will provide a more detailed assessment and general locations for assisted housing within jurisdictions. Although the goals in the Plans and those in approved HAPs must be generally consistent, in Fiscal Year 1978 the goals in previously approved HAPs may not meet this requirement. In this case all HAPs submitted to HUD subsequent to Plan approval shall be consistent with the Plan(s) and Participating Jurisdictions shall so certify at the time application is made to HUD for Plan approval.

Discussion of Major Comments and Revisions

Reorganization

Subpart E has been divided into two Subparts, E and F, to clarify the distinction between (a) approval of Plans to serve, to the extent practicable, as the basis for the distribution of housing assistance provided by HUD (Subpart E) and (b) procedures for awarding special housing assistance allocations on the basis of such Plans (Subpart F). This reorganization does not constitute a substantive change in the regulations.

The provisions in former § 891.501 relating to the calculation and distribution of the contract authority made available for special allocations have been moved to § 891.605. (All references in this preamble to "former" sections are to the January 27, 1977, proposed rule.)

Former § 891.502 ("General criteria for acceptable plans") has been divided into two sections, now designated as §§ 891.503 and 891.504, to provide a clearer distinction between the basic required contents of approvable Plans and additional requirements for approval.

The discussion of implementation activities in former § 891.502(b)(3) has been expanded and moved to § 891.503(f). Implementation activities must as a minimum include activities necessary to facilitate the delivery of housing assistance resources, use of the APO's A-95 review powers to support the program objective, activities to ensure the cooperation of PHAs, and coordination of outreach activities for matching eligible families with suitable and available housing assistance resources.

The procedures for HUD review and approval of Plans in § 891.506 have been clarified through reorganization and expansion. This material formerly appeared in greatly abbreviated form in §§ 891.505(a) and 891.506(a).

Section 891.605 (formerly § 891.505) has been reorganized and modified slightly to clarify the factors to be used in determining (a) which Approved Plans will be selected as the basis for special allocations and (b) the amount of each special allocation.

DEFINITIONS

Section 891.102 has been expanded to include definitions of several additional key terms. The newly defined terms are "Plan area", "housing assistance", "program objective", "Recipient Jurisdiction" and "special allocation." All references to "supplemental allocations" have been changed to "special allocations" to clearly distinguish the allocations under Subpart F from any other allocations which might be made subsequent to the initial allocation under § 891.404 of Subpart D. The existing definitions of "Areawide Housing Opportunity Plan" and "Approved Areawide Housing Opportunity Plan" have been modified slightly. The definition of "Areawide Planning Organization" (APO) has been expanded to include agencies authorized to undertake planning for a single county whose boundaries are conterminous with a designated Standard Metropolitan Statistical Area (SMSA).

One comment requested that the definition of APO in § 891.102 be expanded to permit State planning agencies and the Commonwealths of Puerto Rico and the Virgin Islands to qualify as APOs. Plans developed by these entities by their nature are more comprehensive in scope and address different objectives. Consequently, this recommendation has not been accepted. However, the Department is considering ways to encourage the efforts of State planning agencies in the area of housing allocation.

One commenter noted the introduction of the undefined term "acceptable Plan" in former §§ 891.502(a), 891.503(a), and 891.505(a). All such references have been deleted or have been revised to conform with defined terms.

PURPOSE AND ROLES

Sections 891.501 and 891.601 (Applicability and Scope) have been expanded to further clarify the purpose of the Areawide Housing Opportunity Plan effort.

Sections 891.502 and 891.602 have been added to clarify and highlight the respective roles and responsibilities of the APO, Participating Jurisdictions, and Recipient Jurisdictions.

RELATIONSHIP OF THE PLAN TO THE APO'S JURISDICTION

Several commenters inquired whether a formal coordinative device would be required in cases where a Plan assigns goals to jurisdictions which are outside the area served by the APO but are within an SMSA or other identifiable planning area. In such instances, the applicant APO shall submit either a memorandum of understanding, a cooperation agreement, or other evidence acceptable to the Secretary which demonstrates that the goals assigned to those jurisdictions by the applicant APO are acceptable to any neighboring APO(s) and/or jurisdictions covered by the Plan.

NEEDS ASSESSMENT

One commenter noted that, despite the deletion of the requirement for a detailed needs assessment for each jurisdiction, such analysis obviously would be required in order to establish percentage goals. In view of this comment and the new provision for identification of outreach goals (§ 891.503(d)), this requirement has been reinstated (§ 891.503(a)). However, to be consistent with the level of detail required in establishing percentage goals, needs need only be identified for each county and for jurisdictions of over 25,000 population by household type and by housing tenure.

FEMALE-HEADED HOUSEHOLDS

One commenter questioned the need for an analysis of the housing assistance needs of lower income female-headed households (§ 891.503(a)). This requirement has been maintained. It is important that Plans address the special needs of all appropriate identifiable segments of the total group of lower income households in the community.

PERCENTAGE GOALS

Numerous comments addressed the degree of specificity required for the percentage goals in § 891.503(c). The Department considers this an important component of the agreement between the APO and Participating Jurisdictions, as the goals must address the identified needs. However, this section has been revised considerably in response to several of the specific problems raised in the comments. The relationship between the goals assigned under the Plan to those contained in the HAPs of Participating Jurisdictions has been clarified. To address concerns regarding the difficulty in establishing detailed goals by housing type and by household type for jurisdictions which are very small or which have low percentage goals relative to other jurisdictions, this section now provides that, at a minimum, goals shall be established only for each county and for jurisdictions of over 25,000 population. Percentage goals (or zero goals, as appropriate) must be identified for each jurisdiction within this category regardless of the size of the projected apportionment.

Several comments noted that future program resources from HUD or from other sources of assistance usually are not known at the time the Plan is developed. The requirement that goals be stated as percentages of housing assistance becoming available has been instituted to address this potential problem. However, because of the difficulty in predicting future funding sources, the requirement in former § 891.502(a)(3) that goals be established by source of funds has been modified; § 891.503(c) now requires only that all potential sources of funding be considered in establishing goals.

In response to one inquiry, it should be noted that the percentage goals contained in the Plan are to cover all housing assistance, and are not to be limited to a prospective special allocation under Subpart F.

Another comment suggested that an APO be allowed flexibility to consider separately other State, local or private sources of funding which would be inappropriate to distribute through the distribution procedure in determining a jurisdiction's overall responsibilities under its agreement with the APO. Although nothing in the proposed regulations precluded this, § 891.503(c) has been revised by deleting the former language which suggested that all housing assistance (whether provided by HUD or not) had to be distributed

through the allocation procedure in establishing goals.

Section 891.505(b)(7) has been added to require a statement of the APO's strategy in establishing goals by housing type and by household type for each jurisdiction or identifiable category of jurisdiction.

INTERJURISDICTIONAL OUTREACH GOALS

Section 891.503(d) has been added to emphasize the importance of interjurisdictional outreach activities to the successful implementation of the Plan. This section requires the APO to identify jurisdictions which will be targeted for outreach activities and specific outreach goals, by household type, for certain jurisdictions. These outreach goals are to be addressed in the outreach activities required under § 891.503(f)(1)(iv). Specific outreach goals must be developed by June 30, 1978.

RELATIONSHIP TO HAPS

One commenter noted that the required areawide needs assessment in § 891.503(a) in many respects resembled a HAP, and suggested that the APO be allowed additional flexibility in developing a need assessment technique. This comment has not been accepted. The prescribed format is designed to ensure a reasonable degree of uniformity among Plans in assessing needs and will provide an essential common standard on which to evaluate the Plans.

Several commenters requested clarification as to whether currently approved HAPs containing goals that are less than or inconsistent with the goals identified in the Plan had to be amended prior to submission of the Plan to HUD in order to meet the requirement in § 891.503(c). This section has been amended to require general consistency between the Plan and the HAPs of Participating Jurisdictions by household type and housing type. However, in accordance with § 891.503(f), a letter of intent from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction assuring that future HAPs submitted to HUD for approval will be consistent with the Plan will meet this requirement.

One commenter questioned the reason for the deletion of the explicit provision in § 891.503(f) (formerly § 891.502(a)(4)) for satisfactory evidence of agreement to include consistency between the goals in the HAP and the goals in the Plan. This provision has been reinstated, as this conformity is essential to the implementation of the Plan. However, this evidence of consistency must be accompanied by evidence of agreement on the specific implementation activities contained in the Plan. This section has been revised substantially to clarify this policy.

One commenter noted that there is a potential conflict in § 891.505(b)(10) (formerly § 891.504(a)(12)) between locations proposed for assisted housing in the Plan and those identified in HAPs. Though HAPs govern the general locations for assisted housing within individual jurisdictions, they may not address the issue of reducing concentrations of low income or minority households among jurisdictions on an areawide basis. To address any potential inconsistency, this section has been revised to require a discussion of whether the proposed locations identified in approved HAPs applicable to Participating Jurisdictions are consistent with the program objective and, if not, what actions are planned to correct these inconsistencies.

DISTRIBUTION PROCEDURE

Section 891.503(b) (formerly § 891.502(a)(2)) has been clarified and has been expanded considerably to provide additional factors which must be considered by the APO in developing its distribution procedure. Several commenters noted that these factors might hinder local flexibility in developing the procedure for their areas. The intent is not to dictate local policy, or to limit factors which might be incorporated into the procedure, but to identify minimum considerations that will ensure (a) that the percentage goals arrived at by the APO and Participating Jurisdictions reflect the program objective and (b) that there is a reasonable and uniform standard for all Plans. However, to avoid confusion, this section has been revised to remove the reference to the need for the procedure to "explicitly" take the designated factors into account. It should be noted that § 891.505(b)(3) (formerly § 891.504b (a)(4)) requires the APO to describe how the procedure and the percentage goals derived from the procedure reflect these considerations.

ANALYSIS OF BARRIERS TO PLAN IMPLEMENTATION

As further evidence that the APO has fully considered potential barriers to Plan implementation, §§ 891.503 (e) and (f)(1) have been added to require as part of the Plan (a) an analysis of specific legal or administrative barriers to the ability of lower income households to take advantage of available or potentially available housing opportunities outside areas and jurisdictions of low income or minority concentration and (b) a program or strategy for removing them.

In addition, to ensure the Plan's implementation, § 891.503(f) has been revised by making certain activities mandatory.

FUTURE EMPLOYMENT OPPORTUNITIES

One commenter questioned the availability of reliable data on future employment opportunities for lower income persons (§ 891.503(b)(3)). Consideration of such data is mandatory in identifying future housing needs. The APO should use the best available data, including relevant data which may be contained in approved HAPs prepared by or applicable to Participating Jurisdictions.

HUD is considering amending its regulations on "expected-to-reside" needs (24 CFR 570.303) to consider deconcentration needs in addition to needs based on employment. APOs would be permitted to develop alternative methodologies which would be certified by the Department for use by Participating Jurisdictions in preparing their HAPs. Until these regulations are amended, the current HUD methodology shall continue to be used.

RELATIONSHIP OF PLAN TO OTHER ALLOCATION PLANS

One commenter suggested that the goals contained in other areawide housing allocation plans developed by an APO be considered in developing a Plan. This is based on a misunderstanding that the Plan is necessarily different from an areawide housing allocation plan developed by the APO under other programs or for other purposes. For example, as noted previously, an Approved Plan will satisfy the assisted housing portion of the housing element required of APO's under the Section 701 Comprehensive Planning Program. However, where an agency other than the APO has developed a housing allocation plan that affects the Plan area, the APO is encouraged to consider it and coordinate it with the Plan.

METHOD FOR COUNTING PARTICIPATING JURISDICTIONS

There was considerable confusion over the method provided in § 891.504(a) (formerly § 891.502(b)(1)) for counting jurisdictions of over 50,000 population within a county which is a Participating Jurisdiction. The intent of the original language was to minimize the number of individual agreements required with the APO and to facilitate obtaining the necessary support. To avoid confusion, the limitation of 50,000 population has been deleted, so that any jurisdiction, regardless of size, can be counted as a Participating Jurisdiction if it meets the requirements of this section. In response to other comments, acceptable evidence of agreement must include agreement on specific implementation activities. No jurisdiction, whether an urban county with an approved HAP or a jurisdiction within a participating urban county, can be "automatically counted" as a Participating Jurisdiction unless this requirement is met. It should be noted that percentage goals

still must be assigned to individual jurisdictions in accordance with § 891.503(c), regardless of the method used in determining participation.

In response to one comment, in counting Participating Jurisdictions to meet the requirement of § 891.504(a) that the Plan apply to fifty percent of the jurisdictions in the Plan area, a county would be counted as one Participating Jurisdiction, regardless of the number of jurisdictions within its boundaries. Each jurisdiction with which that county had reached agreement on goals and implementation activities would be counted as one Participating Jurisdiction. Thus, for example, a county which had reached agreement on goals with five of twelve jurisdictions within its boundaries would be considered a total of six Participating Jurisdictions in determining the areawide total of Participating Jurisdictions. To continue the example, the remaining seven jurisdictions would have to have individual agreements with the APO to be considered Participating Jurisdictions.

Several commenters suggested lower percentages for Participating Jurisdictions than those required in § 891.504(a). The Department considers the existing percentages the minimum required to ensure that the Plan can and will have an impact in accordance with the program objective.

COORDINATION WITH OTHER AGENCIES

Section 891.504(d) has been added to ensure the necessary coordination and consistency of Plans with State and other areawide agencies.

Section 891.505(b)(14) has been added to require that the APO submit with its request for Plan approval copies of comments submitted by other areawide clearinghouses or a statement of other coordination activities undertaken in accordance with § 891.504(d).

Several commenters requested clarification of an APO's entitlement to submit requests under Subpart E where its jurisdiction is circumscribed by and is included in that of an APO with a larger geographic area of coverage. Section 891.505(d) has been added to clarify that such agencies are entitled to submit requests for Plan approval provided they otherwise meet all applicable requirements. However, in accordance with § 891.504(d), APOs in such situations will be required to coordinate their Plans with any state or other regional housing and housing-related plans applicable to all or part of the Plan area.

USE IN A-95 REVIEW

One commenter suggested revising § 891.504(e) (formerly § 891.502(a)(5)) to specifically require use of the Plan in A-95 review of applications for federally-assisted transportation and water and sewer programs. The Department does not have the authority to require use of the Plan in the review of programs that are not administered by HUD. This section has been revised, however, to require that the Approved Plan be used in the A-95 review of all activities that are subject to APO review under HUD's A-95 regulations.

DATA ON AREAS AND JURISDICTIONS WITH UNDUE CONCENTRATIONS OF LOW INCOME AND MINORITY HOUSEHOLDS

It was suggested that § 891.505(b)(5) (formerly § 891.504(a)(9)) also require identification of areas without undue concentrations of low income or minority households. This recommendation has been accepted. This section has been revised to require a statement of the relative degree of concentration for each jurisdiction in the Plan area.

One commenter noted that the issue of undue concentration of low income households within jurisdictions would be addressed through HUD site and neighborhood standards at the time of review of individual project proposals, and that it should be unnecessary to identify areas of concentration by jurisdiction. This section has been amended to clarify that areas of concentration within individual jurisdictions need be identified only to the extent that such information is readily available.

SUMMARY OF RECENT EXPERIENCE

One commenter indicated the need to clarify § 891.505(b)(11) (formerly § 891.504(a)(13)). This section is not intended to require an APO to become involved in housing development or delivery per se. It is essential, however, that the APO know the status of housing assistance in order to develop and monitor a Plan and to evaluate progress in reaching goals. This section has been amended to provide that either the amount of housing assistance or the number of units can be described.

CITIZEN PARTICIPATION

One commenter suggested revising § 891.505(b)(13) (formerly § 891.504(a)(15)) to require that citizen participation in the development of Plans be equivalent to that for applications for Community Development Block Grants. After careful consideration, this recommendation has not been accepted, since HAPS and Plans developed with Section 701 comprehensive planning assistance have had citizen input.

SUBMISSION REQUIREMENTS

One commenter suggested that the information required by §§ 891.505 (b)(4) through (14) (formerly §§ 891.504(a)(9) through (16)) is not essential for HUD review and should be deleted. This recommendation was not accepted. These requirements were expressly designed to provide evidence that Plans are current, that the percentage goals represent genuine local commitment to the Plan, and that Participating Jurisdictions have or are capable of obtaining sufficient program experience to implement the Plan. Obtaining information on the current status of available housing assistance and of other implementation activities should not require substantial additional research on the part of the APO.

SUBMISSION PERIOD

Several commenters recommended that the proposed thirty day minimum period for submission of requests for Plan approval and requests for special allocations after publication of the Notice in the FEDERAL REGISTER be extended to allow additional time for preparation of such requests and to obtain the required approval by the governing body of the APO. Section § 891.603(a) (formerly § 891.501(c)) has been revised to provide for a minimum of 60 days for submission of requests for special allocations to HUD. Section § 891.505(a) permits an APO to submit a request for Plan approval at any time.

ADDITIONAL SUBMISSION REQUIREMENTS

Section 891.505(b)(8) has been added to require a narrative explanation of the process or procedures to be used to determine the geographic distribution of contract authority that the APO will recommend to the Field Office Director in the event the available contract or budget authority during any fiscal year is insufficient to accommodate all of the goals in the Plan or in the event unanticipated resources from other sources become available. This will ensure that the APO can adequately respond to varying levels of housing assistance resources. Section § 891.505(b)(9) has been added to require a discussion of the respective responsibilities of the Participating Jurisdictions for the proposed implementation activities.

Section § 891.604(b)(6) has been added to require the APO to give its view as to whether the special allocation it requests can be committed within a reasonable time in the proposed Recipient Jurisdiction(s). This section complements the requirement in § 891.505(b)(11).

USE OF APPROVED PLANS; COORDINATION BETWEEN HUD REGIONAL AND FIELD OFFICES

The discussion of the use of Approved Plans by HUD has been placed in a new § 891.507. Virtually all of the

comments with respect to § 891.507 (formerly § 891.506) were favorable. Clarification was requested regarding the Department's policy with respect to (a) coordination of the use of the Plan by the Field Office Director and the APO; (b) explanation of any deviation from the Plan by the Field Office Director; (c) coordination of set-asides for special purpose programs; and (d) applicability to HUD-assisted housing allocated by Housing Finance and Development Agencies (HFDAs). All of these comments were well taken, and this section has been considerably expanded to address these concerns. Section 891.507(a) requires the APO to make its recommendations for distribution of contract authority within fifteen days and in such a way that the recommended distribution will result in economically feasible projects or programs. With regard to HFDAs which sponsor HUD-assisted housing, § 891.506(c) provides that an Approved Plan shall serve, to the extent practicable, as the basis for the distribution of any contract authority allocated by HUD pursuant to Subpart D. This means that HFDAs will be required to recognize Approved Plans in distributing Section 8 housing assistance within Approved Plan areas.

Several commenters asked when Approved Plans would begin to be used by HUD. Section 891.507(c) has been added to provide that an Approved Plan will be recognized by HUD at the time the first allocation is made to jurisdictions within the Approved Plan area after notification to the APO of Plan approval.

One commenter noted the possibility of difficulties in developing a Plan and submitting requests for Plan approval to HUD where the jurisdiction of the APO extends beyond that of a single HUD Field Office, and that use of Approved Plans by HUD in accordance with Subpart E would be hindered in such situations. Plans should be tailored to the jurisdiction of the APO, and not that of the HUD field organization. Sections 891.506(c) and 891.605(h) provide that review of requests for Plan approval and for special allocations will be coordinated by the appropriate HUD Regional Administrator(s) if necessary.

Section 891.506(d) has been added to indicate that approval is subject to an annual HUD review of performance.

Section 891.506(e) has been added to allow the Secretary to suspend or withdraw Plan approval at any time.

REMOVAL OF LIMITATION ON USE OF SPECIAL ALLOCATIONS TO JURISDICTIONS COVERED BY HAPS

One commenter questioned the desirability of restricting special allocations awarded pursuant to Subpart F to Participating Jurisdictions that are covered by a HAP. It was noted that this limitation would require the preparation of many unnecessary HAPs in order to generate suitable locations for housing proposed in accordance with the Plan and the program objective, and might create barriers to the provision of expanded housing opportunites in jurisdictions which previously have not participated in housing assistance programs. In view of these considerations, two important changes have been made. First, special allocations are no longer restricted to Participating Jurisdictions, as non-Participating Jurisdictions may be the most suitable recipients of housing assistance in accordance with the program objective. However § 891.601(a) provides that use of special allocations may be limited to Participating Jurisdictions at the APO's option. Second, jursidictions designated to receive a special allocation are no longer required to be covered by an approved HAP.

DETERMINATION OF THE AMOUNT OF THE SPECIAL ALLOCATION

Several comments recommended that § 891.605(c) (formerly § 891.501(e)(1)) be revised to provide for a minimum allocation in those instances in which 50 percent of the initial allocation would be insufficient to provide at least one feasible project. Other comments noted that the initial allocation for the current fiscal year might be too small to provide meaningful incentives to local jurisdictions to participate. This section has been revised to indicate that the base amount on which the special allocation is to be calculated is the total amount of contract authority made available for the applicable program within the Approved Plan area during that fiscal year in accordance with Subpart D as of the date of the announcement of the availability of the special allocations. If no contract authority was made available, the amount of the special allocation will be based on the most recent fiscal year in which contract authority was made available. In addition, in response to the comments urging that the special allocation provide at least one project, § 891.605(c) now provides that where 50 percent of the contract authority made available would provide less than that required for a feasible project or program, the amount of the special allocation shall be sufficient to provide an economically feasible project or program in the opinion of the Field Office Director.

Several commenters suggested that the maximum of two-thirds of the total available contract authority for Plans previously selected (§ 891.605(e), formerly § 891.501(e)(3)) be reduced to allow greater opportunity for other APOs to receive supplemental allocations. This recommendation has not been accepted. This percentage is only a ceiling, not a reservation for Plans previously selected as the basis for special allocations.

EVIDENCE THAT SPECIAL ALLOCATION CAN BE COMMITTED

Several commenters requested clarification of the provision in § 891.605(f)(5) (formerly § 891.502(b)(3)) that evidence be provided that contract authority can be committed within a "reasonable time." As the examples already provided in this section suggest, recent past performance (in the judgment of the Field Office Director) generally will be considered in determining whether a Recipient Jurisdiction can absorb additional housing assistance.

PRIORITY CRITERIA FOR SPECIAL ALLOCATIONS

One commenter suggested that APOs which had previously received special allocations be required to meet at least three more priority criteria than were met in the previous year in order to be considered for additional special allocations (§ 891.606(a)). This suggestion has not been accepted, since, in accordance with § 891.605(b)(3), all Approved Plans will be evaluated with respect to the number of priority criteria met.

Several comments suggested revisions to former § 891.503 (a)(1) and (a)(2). One comment suggested that these two subparagraphs be combined, since an APO which met (a)(1) generally also would meet (a)(2). This recommendation was accepted (§ 891.606(a)(1)). Another comment suggested that HUD recognize APOs which provide assistance to existing housing counseling agencies, but do not directly fund or administer such programs. After careful consideration, this suggestion has been adopted, and § 891.606(a)(1) has been revised to recognize assistance by APOs to counseling programs. Another comment suggested that these criteria be deleted, on a mistaken impression that APOs are precluded from using Section 701 comprehensive planning grants to develop or initiate implementation of such programs. One commenter recommended that "participation" be defined. This section has been clarified by indicating that participation is considered active assistance through funding or other means, but not mere endorsement or "moral support".

Several commenters recommended that § 891.606(a)(4) (formerly § 891.503(a)(5)) be revised to require greater participation by the APO in the development or implementation of voluntary areawide affirmative fair housing marketing agreements in order to receive priority consideration. This section has been revised accordingly. In addition, this section has been clarified by specifying that these

activities must be designed to combat discrimination on the basis of race, color, religion, sex, or national origin in the private housing market.

One commenter suggested that § 891.606(a)(5) (formerly § 891.503(a)(6)) be amended to reflect population as well as the number of Participating Jurisdictions. After careful consideration, the existing provision has been retained. The intent of this criterion is to recognize exceptional achievements in regional cooperation among jurisdictions which enhance the likelihood for achievement of the program objective.

In response to one comment, § 891.606(b) has been added to clarify that each of the priority criteria in § 891.606 (a)(1) through (a)(5) will be considered equally in the evaluation of Approved Plans for special allocations. The consideration given to any activity or activities identified by the APO in accordance with § 891.604(a)(6) will be at the discretion of the Secretary and will be determined on a case-by-case basis.

MISCELLANEOUS COMMENTS AND REVISIONS

Section 891.505(b)(12) (formerly § 891.504(a)(16)) has been revised to require the APO to discuss the impact of the Plan on the distribution of housing assistance and success in addressing the program objective since approval of the Plan by the governing body of the APO.

One commenter suggested that the Federl Register Notice in § 891.603 (formerly § 891.501(c)) specify the availability of any other incentives such as Community Development Block Grant funds or Section 701 comprehensive planning grants to be awarded on the basis of selected Plans. Although the Notice in § 891.603 will apply only to special housing assistance allocations, the Department will attempt to issue Notices announcing the availability of funds from other programs at the same time, when appropriate.

One commenter suggested that the contents of the report required in § 891.607 (formerly § 891.507) be limited to use of the special allocations and subsequent upgrading of the Plan. This recommendation was not accepted, since the special allocations are intended to support the overall Plan.

Another commenter objected to the overall concept of the Areawide Housing Opportunity Plan effort because of a belief that the APO would fail to address the needs of those jurisdictions in the Plan area that individually were not members of the APO. The requirements for (1) an areawide needs assessment (§ 891.503(a)) (2) general consistency between the goals in the Plan and those contained in local HAPs (§ 891.503(c)), and (3) participation by 50 percent of area jurisdictions representing 75 percent of the population (§ 891.504(a)) were expressly designed to address this potential problem. Jurisdictions that are not members of the APO or which feel they are inadequately represented by a larger unit of local government are encouraged to work with the APO in developing the Plan.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in connection with the proposed rule and is applicable to this final rule. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

This rule is issued under the authority of Section (7)(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Accordingly, 24 CFR, Chapter VIII, Part 891, Subparts A and E are amended and Subpart F is added as follows:

1. Section 891.102 of Subpart A is amended by amending paragraphs (d), (e), and (m) (formerly paragraphs (c), (d), and (k)), by adding paragraphs (c), (i), (n), (o), (p), and (t), and by renumbering paragraphs (c) through (o) as (d) through (u) to read as follows:

§ 891.102 Definitions.

* * * * *

(c) *Approved Areawide Housing Opportunity Plan (Approved Plan).* An Areawide Housing Opportunity Plan approved by the Secretary in accordance with Subpart E of this part to serve, to the extent practicable, as the basis for distribution of all contract authority allocated by HUD within the Plan area pursuant to Subpart D of this part.

(d) *Areawide Housing Opportunity Plan (Plan).* A strategy for a program of implementation activities developed by an APO and Participating Jurisdictions which specifically address areawide housing assistance needs and goals, in accordance with the program objective.

(e) *Areawide Planning Organization (APO).* An organization authorized by law or local agreement to undertake planning under Section 701 of the Housing Act of 1954 (40 U.S.C. 461) and/or OMB Circular A-95 either for a multi-county area (including county-municipality combinations) or for a single county whose boundaries are conterminous with a designated Standard Metropolitan Statistical Area.

* * * * *

(i) *Housing assistance.* Assistance provided by HUD under the United States Housing Act of 1937 (42 U.S.C. 1437), sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z, 1715z-1), section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

* * * * *

(m) *Participating Jurisdiction.* A jurisdiction (including a county or other local government) within the Plan area, with which the APO (or a county, in accordance with § 891.504(a)) has reached agreement on percentage goals for the distribution of housing assistance and on activities for the implementation of the Plan.

(n) *Plan area.* The entire jurisdiction of an APO which has prepared a Plan.

(o) *Program objective.* To encourage, facilitate, and provide for a broader geographical choice of housing opportunities for lower income households (with particular attention to families and large families) outside areas and jurisdictions containing undue concentrations of low income or minority households.

(p) *Recipient Jurisdiction.* Any jurisdiction (whether or not it is a Participating Jurisdiction) recommended by the APO in accordance with § 891.605(h) and designated by the Field Office Director to receive contract authority made available by a special allocation.

* * * * *

(t) *Special allocation.* An allocation of contract and budget authority for housing assistance made available pursuant to Subpart F of this part (for F.Y. '76 only, a supplemental allocation under former Subpart E of this part (41 FR 35667-68)).

(2) Subpart E is revised to read as follows:

Subpart E—Approval of Areawide Housing Opportunity Plans

Sec.
891.501 Applicability and scope.
891.502 Role of the APO and participating jurisdictions.
891.503 Required contents of approvable plans.
891.504 Additional requirements for approvable plans.
891.505 Procedures for submission of requests for plan approval.
891.506 Review and approval of plans.
891.507 Use of approved plans by HUD.

AUTHORITY.—Sec. (7)(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

Subpart E—Approval of Areawide Housing Opportunity Plans

§ 891.501 Applicability and scope.

(a) This Subpart describes the policies and procedures governing the ap-

proval of Areawide Housing Opportunity Plans, as defined in § 891.102(d). These Plans are a cooperative effort between an APO and Participating Jurisdictions within the Plan area for the development and implementation of a coordinated areawide strategy for the distribution of housing assistance in such a manner as to promote the program objective of increasing housing opportunities outside areas and jurisdictions containing undue concentrations of low income or minority households. The Plan is to serve as a comprehensive and consistent guide for the geographic distribution of housing assistance within the Plan area. If approved by HUD, the Plan will serve, to the extent practicable, as the basis for the distribution of all contract authority allocated by HUD pursuant to Subpart D of this Part within the Approved Plan area.

(b) In order to be approved, a Plan must meet each of the requirements set forth in §§ 891.503 and 891.504.

§ 891.502 Role of the APO and Participating Jurisdictions.

(a) The role of the APO under this subpart shall include, but need not be limited to the following:

(1) Developing the Plan, including the needs assessment, distribution procedure, implementation strategies and other components of the Plan described in § 891.503;

(2) Consulting with Participating Jurisdictions in the development of needs assessments and housing assistance goals to ensure that the HAPs and the Plan are generally consistent;

(3) Submitting requests to the Secretary for approval of the Plan in accordance with § 891.505;

(4) Participating in the determination by HUD of the annual distribution of housing assistance among all jurisdictions (whether or not they are Participating Jurisdictions) within the Approved Plan area in accordance with § 891.507;

(5) Coordinating the Plan with the State A-95 clearinghouse(s) and other affected areawide clearinghouses, if any, in accordance with § 891.504(d);

(6) Providing the data used in the assessment of housing assistance needs under § 891.503(a) to local jurisdictions for use in preparing their HAPs;

(7) For jurisdictions with HAPs, coordinating the exchange of data developed at the areawide level with local data sources and development of common definitions of terms to be used in the HAPs;

(8) For jurisdictions without approved HAPs, developing an assessment comparable to that required in a HAP of housing assistance needs, annual and three year housing assistance goals, and general locations for proposed housing; and

(9) Securing agreements with Participating Jurisdictions on housing assistance goals and implementation activities.

(b) The role of Participating Jurisdictions under this Subpart shall include, but need not be limited to the following:

(1) Administering all relevant programs affecting housing and community development so as to further the program objective;

(2) Cooperating with the APO in developing, adopting, and assisting in the implementation of a program or strategy to implement the Plan. For those Participating Jurisdictions with HAPs, this shall include establishing goals in their HAPs greater than those needed to meet existing and expected-to-reside needs in accordance with HUD requirements if such action is necessary to meet the program objective; and

(3) For Participating Jurisdictions with HAPs, cooperating with the APO in developing and using mutually agreed upon (i) sources of data, (ii) assessments of housing assistance needs and goals, and (iii) common definitions of terms in developing their HAPs.

§ 891.503 Required contents of approvable plans.

(a) An areawide assessment, based upon reliable and uniform data using consistent definitions and sources, of the housing assistance needs of lower income households (including households displaced or to be displaced by governmental action). This assessment shall, as a minimum, indicate housing assistance needs by (1) household type (elderly and/or handicapped; family; large family), (2) housing tenure (owner and renter), (3) female heads of household and (4) minority households. In addition, the assessment shall indicate needs by household type and by housing tenure for each county and for each jurisdiction of over 25,000 population.

(b) A procedure for distributing housing assistance among all jurisdictions (including non-Participating Jurisdictions) within the Plan area in accordance with the program objective. The procedure shall reflect:

(1) The assessments of current needs developed in accordance with § 891.503(a);

(2) Current and projected (for at least three years) changes in the regional population and its distribution among jurisdictions in the Plan area, with particular emphasis on population data and trends applicable to lower income persons;

(3) An assessment of the number of those lower income households which could be expected to reside in each jurisdiction in the Plan area on the basis of current location of employment or future (for at least three years) employment opportunities and the need for spatial deconcentration in accordance with the program objective (taking into account present and potential areas of undue concentration of low income and minority households within the Plan area).

(4) The present locations of assisted housing and jurisdictions with undue concentrations of such housing;

(5) For jurisdictions with HAPs, other pertinent data and factors identified in the HAPs of jurisdictions in the Plan area, such as rehabilitation resources, vacancies and those items identified in the HAPs as "limiting factors";

(6) The present or potential capacity of each jurisdiction in the area to accommodate assisted housing, based on appropriate factors such as land availability, actual and relative fiscal capacity among jurisdictions to provide necessary community facilities and services, etc.;

(7) Areawide policies for community development, economic development, growth, land use, transportation, and environmental protection which have been adopted or are being developed by the APO.

(c) Annual and three year percentage goals for the distribution of housing assistance which have been derived from the distribution procedure and which can be translated into numerical goals. Percentage goals shall be established as a minimum for each county and for each jurisdiction of over 25,000 population (whether or not it is a Participating Jurisdiction) within the Plan area. The goals shall address the needs identified in § 891.503(a). As a minimum, the three year goals shall be specific as to household type (elderly and/or handicapped, family, large family) and housing tenure (owner, renter). The annual and the three-year goals shall be specific as to housing type (new, rehabilitated, existing). The goals shall take into account all lower income housing assistance which is currently or potentially available through Federal, State, local or private programs. The goals identified in the Plan and those identified in the HAPs covering Participating Jurisdictions are to be generally consistent in terms of the annual and three-year goals by housing type and for the three year goals by household type.

(d) Identification of target jurisdictions for outreach activities based on interjurisdictional outreach goals.

(1) The Plan must identify jurisdictions (whether or not they are Participating Jurisdictions) within the Plan area to which the outreach activities required under § 891.503(f)(1)(iv) will be directed. As a minimum, the APO shall include as target areas each county and each jurisdiction over 25,000 population which have interjurisdictional outreach goals (by household type) based on the following calculation:

(i) The difference between the jurisdiction's three year percentage goal (§ 891.503(c)) and its relative percentage of the areawide housing assistance need (§ 891.503(a)) divided by (ii) the jurisdiction's three year percentage goal. For example, Community X has 10 percent of the areawide need for large families, and its percentage goal is fifteen percent of the housing assistance becoming available which might address this need. The outreach goal is determined by subtracting the needs percentage (10 percent) from the goals percentage (15 percent). The difference of five percent is divided by the goals percentage (15 percent). The result, 33⅓ percent, is the outreach goal. If the jurisdiction's percentage of the areawide need is equal to or greater than its three year percentage goal, there need not be an outreach goal. However, such jurisdictions will be expected to affirmatively further fair housing on a general basis. If the three year percentage goal is higher than the jurisdiction's percentage of areawide need, then an outreach goal is indicated. In addition, the Plan may designate additional jurisdictions which should have outreach goals and activities to increase opportunities for non-residents.

(2) The Plan also shall establish outreach goals for each target jurisdiction. These goals may be determined by employing the calculation in paragraph (d)(1) of this section, or another methodology acceptable to HUD which establishes goals for outreach activities designed to provide access to housing opportunities for residents or jurisdictions with undue concentrations of low income or minority households.

(e) Identification and analysis of all known legal, administrative or other barriers (e.g., residency preferences or requirements, exclusionary zoning, etc.) which restrict the choice or otherwise hinder the fair and equal access of lower income households, particularly large families and minority and female-headed households, to take advantage of available or potentially available housing opportunities (whether assisted or not) outside areas and jurisdictions which contain undue concentrations of low-income or minority households in the Plan area.

(f) Activities to implement the Plan.

(1) Implementation activities shall, at a minimum, include the following:

(i) Activities designed to remove legal, administrative or other barriers which limit housing opportunities identified in accordance with paragraph (e) of this section, such as the elimination of exclusionary zoning, removal of restrictive building codes or site plan requirements, development of areawide affirmative fair housing marketing goals and strategies, implementation of measures to increase the efficiency of administrative processing of applications for building permits, etc.

(ii) Use of the APO's A-95 review powers to ensure that not only housing but other local and areawide activities which are subject to APO review under HUD regulations implementing OMB Circular A-95 support the program objective;

(iii) Activities to enlist the cooperation of existing PHAs (and/or efforts to create an areawide PHA or other entity) to operate programs designed to achieve the program objective;

(iv) Outreach activities to achieve the program objective for matching eligible families with suitable and available housing assistance resources, such as through an areawide housing information, referral, and counseling service. These outreach activities shall be directed towards achieving for each jurisdiction the outreach goal identified in accordance with § 891.503(d) in the occupancy of newly-available assisted housing distributed pursuant to the Plan.

(2) Other implementation activities may include, but need not be limited to, the following:

(i) Coordinating the use of supportive resources such as Community Development Block Grants or other Federal, State, or local funds for activities which will help implement the Plan, such as site acquisition and preparation, development of community facilities and supportive services, support of outreach to households in areas and jurisdictions of undue concentration to advise them of available housing opportunities, etc.;

(ii) Provision of technical assistance to PHAs or prospective developers and sponsors in identifying sites, obtaining financing, etc.;

(iii) Preparation and dissemination of areawide guides which identify housing opportunities for lower income households.

(iv) Development of programs involving the private sector (financial institutions, developers, realtors, local fair housing and civil rights groups, etc.) in activities to implement the Plan, such as affirmative marketing, expansion of loan or credit availability, etc.

(g) Evidence of agreement between the APO and each Participating Jurisdiction (or with a county on behalf of certain Participating Jurisdictions, as provided in § 891.504(a)) on the housing assistance goals established under paragraph (c) of this section and of agreement on implementation activities in accordance with paragraph (f) of this section.

(1) For Participating Jurisdictions with approved HAPs, this evidence shall include (i) general consistency of the goals in the HAP with the goals in the Plan (or a commitment to achieve consistency as evidenced by a letter from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction indicating the jurisdiction's intent to amend its HAP to be generally consistent with the Plan) and (ii) evidence of supportive community development or other implementation activities. In addition to the above, this evidence may include a narrative statement in Table III of the HAPs of Participating Jurisdictions requesting that a State or agency thereof (including HFDAs) submit applications for assistance for local government review and comment in accordance with § 891.201 of Subpart B of this part.

(2) For Participating Jurisdictions without approved HAPs, this evidence shall include (i) an individual written agreement from the Chief Executive Officer on behalf of the governing body of the Participating Jurisdiction or (ii) an equivalent demonstration of commitment to the program objective and implementation activities by the Participating Jurisdiction which is acceptable to the Secretary (e.g., through commitment of funds in support of implementation activities, removal of barriers to housing opportunities or the provision of lower income housing, or cooperation in efforts to meet the criteria for priority Approved Plans in § 891.606.)

§ 891.504 Additional requirements for approvable Plans.

(a) The Plan shall apply to and include as Participating Jurisdictions at least fifty percent of the jurisdictions in the Plan area, and Participating Jurisdictions shall represent at least seventy five percent of the population of the Plan area. For the purposes of counting Participating Jurisdictions, in lieu of separate evidence of agreement with the APO required under § 891.503(g), any jurisdiction within a county which is a Participating Jurisdiction may be counted as a Participating Jurisdiction if (1) the county's agreement with the APO on percentage goals applies to that jurisdiction and there is a county-wide PHA, or the county has reached agreement on percentage goals and implementation activities with that jurisdiction and the Plan provides written evidence thereof; and (2) the agreement between the county and the APO specifies general locations for assisted housing within that jurisdiction if it is not covered by an approved HAP.

(b) The Plan shall have been approved by the governing body of the APO.

(c) The Plan must be accompanied by satisfactory evidence that it can be implemented. This evidence should include, but is not limited to, (1) the availability of sites for new construction or substantial rehabilitation,

where applicable, which are consistent with the program objective and which can meet the applicable housing program standards in those jurisdictions in which the Plan proposes the use of newly-constructed or rehabilitated housing; (2) developer/sponsor interest in programs for lower income housing (e.g., as evidenced by proposals in response to recent Notifications of Fund Availability or invitations for housing applications); (3) the willingness and ability of established PHAs to administer or otherwise participate where goals have been assigned for a program which requires the participation of a PHA, or actions taken by jurisdictions to establish PHAs or to negotiate agreements with existing PHAs to perform this function; (4) commitment of, or satisfactory progress in commiting contract authority currently allocated to the Plan area (for the Section 8 Existing Housing Program, consideration shall be given to the occupancy status of approved programs in order to assess the absorption capacity of the Participating Jurisdiction); (5) where the Plan proposes use of the Section 8 Existing Housing Program, sufficient vacancies with adequate rents to support a feasible program consistent with the program objective; and (6) cooperation by Participating Jurisdictions in removing impediments to the provision of lower income housing which have been imposed by local governments.

(d) The Plan shall include evidence that it has been and will be coordinated with appropriate State and areawide agencies, including A-95 clearinghouses and HFDAs, to ensure general consistency of data on areawide needs between the Plan and any State or other areawide housing and housing-related plans applicable to all or part of the Plan area.

(e) The Plan shall include evidence that it has been and will be used in the A-95 review of all applications for community development, housing assistance and all other programs or activities which are subject to APO review under HUD regulations implementing OMB Circular A-95.

§ 891.505 Procedures for submission of requests for Plan approval.

(a) Requests for Plan approval may be submitted to HUD at any time. The original copy of each request shall be submitted to the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9100, Washington, D.C. 20410. In addition, two copies shall be addressed to the Regional Administrator serving the Plan area. In the event the Plan area is served by more than one Regional Office, the request shall be submitted to the Regional Office which serves the largest geographical portion of the Plan area. All requests shall be submitted to each required addressee at the same time.

(b) Each request for Plan approval shall consist of:

(1) A letter of transmittal signed by the chief executive of the APO submitting the request;

(2) An index of all documents and materials submitted with the request;

(3) A statement which addresses the Plan's conformity to each of the requirements contained in §§ 891.503 and 891.504 and discusses how the Plan, including implementation activities, meets the program objective;

(4) A list of all jurisdictions within the Plan area, identification of Participating Jurisdictions; identification of jurisdictions covered by approved HAPs; and, identification of jurisdictions targeted for outreach activities with their specific outreach goals, determined in accordance with §891.503(d). Specific outreach goals need not accompany requests for Plan approval submitted before June 30, 1978. However, all Requests submitted before that date must include a schedule for establishing such goals by June 30, 1978. Any Plans submitted after June 30, 1978 must contain outreach goals for each target jurisdiction;

(5) Identification of the relative degree of concentration of low income households and of minority households for each jurisdiction in the Plan area, and, if information is readily available, identification of areas of undue concentration within individual jurisdictions;

(6) A discussion of the methodology and sources of data used in assessing areawide housing assistance needs under §891.503(a);

(7) A statement of the factors and overall strategy used to determine the household type and the suitability of housing type in establishing and assigning the percentage goals for each jurisdiction (or identifiable category of jurisdiction) in accordance with §891.503(c);

(8) A narrative explanation of the process or procedures to be used by the APO to determine the geographic distribution that it will recommend be provided in accordance with the housing assistance goals identified in the Plan (i) in the event the amount of contract or budget authority made available within the Plan area is insufficient to accommodate the areawide goals in any fiscal year or (ii) in the event unanticipated resources from other sources become available.

(9) A discussion of the respective responsibilities of the Participating Jurisdictions for the implementation activities, including activities to be undertaken by the State and private agencies or organizations, as appropriate;

(10) For Participating Jurisdictions that are not covered by a HAP, the general locations (by census tract or other appropriate subjurisdictional delineation) proposed for assisted housing in accordance with the percentage goals in §891.503(c); for Participating Jurisdictions covered by approved HAPs, a discussion of whether the proposed locations identified in the HAP are consistent with the program objective and if not, what actions are planned to correct these inconsistencies in accordance with the program objective;

(11) A summary of the recent experience of jurisdictions within the Plan area with federally or non-federally assisted housing programs, including the status and amount of housing assistance (or the number of units provided with such assistance) received by each jurisdiction during the current federal fiscal year and each of the previous two fiscal years (broken down by housing type and by household type to the extent this level of detail is available);

(12) Where the Plan has been in effect for twelve or more months, the impact of the Plan on the distribution of housing assistance and its success in addressing the program objective within the Plan area since approval of the Plan, or an earlier version of the Plan, by the governing body of the APO;

(13) A description of the citizen participation process used in the development of the Plan, either in accordance with requirements under section 701 of the Housing Act of 1954 as amended or in accordance with State or local requirements, including a description of the opportunities for and the methods of participation that were available to public and private agencies and organizations;

(14) Copies of comments submitted by other areawide clearinghouses or a statement describing coordination activities undertaken in accordance with §891.504(d).

(c) In lieu of a separate and distinct discussion of any or all of items required in subparagraphs (4) through (14) of this paragraph, the APO may, at its option, provide an index which refers to any other portion of the Plan or the request which specifically responds to these items.

(d) If a portion of the area served by an APO is also served by another APO and both submit a request in the same federal fiscal year, the area served by the APO with the smaller geographic area of coverage may be included in that of the APO with the larger geographic area of coverage for the purpose of submitting requests or for counting Participating Jurisdictions in accordance with §891.504(a) if the Plan covering the area meets all applicable requirements under this Subpart. However, each Plan must meet all applicable requirements in order to

be considered independently for approval.

(e) Copies of approved HAPs need not be submitted with the request.

§ 891.506 Review and approval of Plans.

(a) The Secretary shall review all Plans submitted to identify Approved Plans. Field Office Directors and Regional Administrators shall participate in this evaluation.

(b) The following factors shall be used to select Approved Plans:

(1) The conformity and overall quality of the Plan with respect to each of the requirements set forth in §§ 891.503 and 891.504.

(2) The extent to which the request is responsive to each of the submission requirements outlined in § 891.505.

(c) An Approved Plan shall serve, to the extent practicable, as the basis for the distribution of any contract authority allocated pursuant to Subpart D of this part within the Approved Plan area. This approval shall be effective immediately and shall remain effective (1) until a subsequent or amended version of an Approved Plan has been approved by HUD in accordance with the procedures under this subpart or (2) for three federal fiscal years after the fiscal year in which the Plan is approved, or (3) until approval is withdrawn pursuant to § 891.506(e), whichever occurs first. Geographic distribution of housing assistance shall be made in consultation with the APO. The appropriate Regional Administrator(s) will assist in facilitating the determination of this distribution where an Approval Plan overlaps HUD Field Office Jurisdictions.

(d) Approval is subject to an annual HUD review of performance. This shall include, but need not be limited to, progress in implementing the Plan within available resources and the cooperation of Participating Jurisdictions in making necessary amendments to their HAPs and Community Development Block Grant programs to reflect the Approved Plan and the program objective.

(e) The Secretary reserves the right to suspend or withdraw approval of any Approved Plan at any time.

§ 891.507 Use of Approved Plans by HUD.

(a) The Field Office Director shall (1) notify the APO of the total amount of contract and budget authority by program (as determined in accordance with Subpart D of this part) available to jurisdictions within the Plan area; (2) identify any statutory constraints on the use or distribution of the funds (e.g., metropolitan vs. non-metropolitan distribution, etc.); and (3) request that the APO submit recommendations for the distribution of this authority among jurisdictions in accordance with the goals in the Approved Plan within fifteen days of this notification. Recommendations shall be by county and for each jurisdiction of over 25,000 population. Any recommended distribution shall be of sufficient size to result in at least one economically feasible project or program.

(b) The Field Office Director shall consider the recommendations of the APO in distributing the initial and all subsequent allocations or reallocations of contract authority among Jurisdictions within the Approved Plan area during the term of approval. Selection and approval of specific projects or sites shall continue to be made by HUD in accordance with existing procedures for the applicable program.

(c) An Approved Plan shall be used in accordance with the above procedures at the time the first allocation is made to jurisdictions within the Approved Plan area, pursuant to Subpart D of this Part, after notification to the APO of Plan approval.

(d) The one and three-year goals in the Approved Plan may be used by any area jurisdiction in preparing its HAP pursuant to 24 CFR 570.303(c)(1).

3. Subpart F is added to read as follows:

SUBPART F—SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

Sec.
891.601 Applicability and Scope.
891.602 Role of the APO and Recipient Jurisdictions.
891.603 FEDERAL REGISTER Notice.
891.604 Submission of Requests for Special Allocations.
891.605 Review and Selection Procedures.
891.607 Reporting Requirements.

AUTHORITY: Sec. (7)(d), Dept. of HUD Act (42 U.S.C. 3535(d)).

SUBPART F—SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

§ 891.601 Applicability and scope.

(a) This subpart describes the policies and procedures governing the review and selection by HUD of those Approved Plans (as defined in § 891.102(c) of subpart A of this part) which will serve as the basis for special allocations of contract and budget authority for use in the Approved Plan area. At the option of the APO, the special allocations may be limited to participating Jurisdictions.

(b) The Secretary, after considering all the pertinent factors under section 213 (d) of the Act, including such adjustments as may be necessary to assist in carrying out activities designed to meet lower income housing needs as described in approved HAPs, will determine the aggregate amount of contract authority by program to be used for special allocations.

(c) Priority shall be given to those Approved Plans which meet the greatest number of the priority criteria set forth in § 891.606.

§ 891.602 Role of the APO and Recipient Jurisdictions.

(a) The role of the APO under this Subpart includes, but need not be limited to (1) submitting requests on behalf of the APO and jurisdictions in the Plan area to the Secretary for special allocations in accordance with § 891.604; and (2) participating in the determination of the distribution of any special allocation among jurisdictions in the Approved Plan area.

(b) The role of the recipient Jurisdictions under this Subpart includes (1) working with the APO in developing and implementing activities to facilitate the implementation of the Approved Plan and the program objective and (2) facilitating construction or occupancy of housing provided with the special allocation.

§ 891.603 Federal Register Notice.

(a) The Secretary shall publish a Notice in the FEDERAL REGISTER announcing (1) the amount of contract authority by program to be made available for special allocations during any fiscal year; and (2) the time, closing date, and address for submission of requests for the special allocations. The closing date for submission of requests shall not be sooner than 60 calendar days after publication of the Notice in the FEDERAL REGISTER.

(b) Each request shall be submitted in the number of copies and to the address required in the Notice and shall include the information required by § 891.604(b).

§ 891.604 Submission of requests for special allocations.

(a) Requests for special allocations may be submitted at the same time as requests for approval of Plans under Subpart E (§ 891.505) and any materials required under paragraph (b) of this section which are being submitted simultaneously may be referenced.

(b) Each request for special allocation shall consist of:

(1) A letter of transmittal signed by the chief executive of the APO submitting the request;

(2) An index of any materials submitted with the request;

(3) Specific references to the Approved Plan (or a Plan submitted for approval under Subpart E) and other documentation, where appropriate, which respond to each of the priority criteria contained in § 891.606 and which provide examples of or discuss the Plan's conformity or lack of conformity with these criteria (in the case of §§ 891.606(a)(1), (a)(4), and if applicable, (a)(6), the specific activities, staff and dollar resources, achievements and, in the case of a counseling and referral program or a voluntary

agreement, whether there is a program to monitor or evaluate its success);

(4) The amount of special allocation requested and from which program(s) cited in the Notice under § 891.603;

(5) A statement as to how the APO would propose to use a special allocation of ten, thirty, and fifty percent of the contract authority made available within the Approved Plan area in accordance with Subpart D of this part during that same fiscal year as of the date of the FEDERAL REGISTER Notice (§ 891.603(a)) (or, if no contract authority has been made available, the most recent year in which contract authority was made available); the statement shall also indicate proposed Recipient Jurisdictions, type of households to be assisted (elderly and/or handicapped, family, large family) and type of housing (new, rehabilitated, existing);

(6) A discussion of the APO's view as to how a special allocation of contract authority can be committed within a reasonable time in proposed Recipient Jurisdictions in a manner consistent with the program objective. If a proposed special allocation includes Section 8 Existing Housing, this discussion shall include a statement as to the ability of PHAs in the proposed Recipient Jurisdiction(s) to achieve occupancy for these and any other uncommitted units within 12 months of execution of the Annual Contributions Contract in a manner consistent with the Plan and the program objective.

(7) If special allocations have been awarded in any previous fiscal year on the basis of the Plan or an earlier version of the Plan, a report on the distribution and status of these special allocations; recent activities undertaken in support of the Plan; and success in achieving the program objective.

(8) A narrative statement which describes how the APO will evaluate (i) the impact of the Plan and (ii) the effect of any special allocations received in achieving the program objective (including the number of households assisted or estimated to be assisted, if this information is readily available).

§ 891.605 Review and selection procedures.

(a) The Secretary shall review all requests submitted in accordance with § 891.604 in consultation with Regional Administrators and Field Office Directors.

(b) Approved Plans to be selected as the basis for special allocations shall be determined by the Secretary on the basis of the following factors:

(1) The overall quality of the Plan with respect to each of the requirements for approvable Plans set forth in §§ 891.503 and 891.504 and the degree to which the Plan addresses the program objective.

(2) The extent to which the request is responsive to each of the requirements set forth in § 891.604(b).

(3) The number of priority criteria for special allocations met (§ 891.606).

(4) The amount of contract authority made available for special allocations.

(5) In the case of Plans or earlier versions of Plans previously selected as the basis for special allocations during any previous fiscal year, the impact of the Plan and prior special allocations and the progress made by the APO and Participating Jurisdictions in meeting additional priority criteria as indicated in the Report required in § 891.607, in the request, or from other information available to HUD.

(c) The amount of the special allocation provided on the basis of a single Approved Plan in any federal fiscal year shall not be less than 10 percent nor more than fifty percent of the contract authority made available for the applicable program within the Approved Plan area during that fiscal year in accordance with Subpart D of this part at the time of the announcement of the availability of special allocations in the Notice published in accordance with § 891.603 or, if no contract authority was made available, the most recent fiscal year in which contract authority was made available. Notwithstanding the fifty percent limitation stated above, the amount under any one program shall not be less than that required for an economically feasible project or program, as determined by the Field Office Director.

(d) The total amount of the special allocation of contract authority which may be awarded on the basis of any single Approved Plan shall not exceed twenty percent of the total amount of the special allocation by program available in that fiscal year in accordance with § 891.601(b).

(e) The total amount of the special allocation of contract authority awarded on the basis of Approved Plans (or an earlier version of a selected Approved Plan) which have been selected during any previous federal fiscal year as the basis for a special allocation shall not exceed two-thirds of the total amount of the special contract authority for the applicable housing assistance program unless the Secretary determines that there are no other Approved Plans which meet at least two of the priority criteria for special allocations set forth in § 891.606(a).

(f) Within the limitations of paragraphs (c), (d), and (e) of this section, the amount of the special allocation to be awarded on the basis of each selected Approved Plan shall be determined by the Secretary on the basis of the following factors:

(1) The overall quality of the Plan relative to the other Approved Plans selected in accordance with paragraph (b) of this section with respect to each of the requirements in §§ 891.503 and 891.504, and those 0priority criteria met under § 891.606(a) and the degree to which the Plan addresses the program objective;

(2) The number of Approved Plans selected as the basis for award of special allocations;

(3) The amount of housing assistance available for special allocations;

(4) The type of lower income households (elderly and/or handicapped, family, large family) and type of housing (new, rehabilitated, or existing) proposed to be assisted with the special allocation, its relation to the needs identified in § 891.503(a), and the proposed use of the special allocation as indicated in § 891.604(a)(5).

(5) The assessment of the ability of Recipient Jurisdictions to absorb additional housing assistance within a reasonable period of time.

(g) If contract authority from more than one housing assistance program is made available by the Secretary in any fiscal year in accordance with § 891.601(b), and the APO requests a special allocation from more than one program, the Secretary shall determine the program(s) from which the special allocation will be provided.

(h) After the total amount of the special allocation on the basis of each of the selected Approved Plans has been determined, each APO shall be advised of its selection or rejection. Selected APOs shall be advised of the amount of the special allocation which is to be made available on the basis authority can be expected to assist. Concurrently with or subsequent to this notification, the special allocation will be assigned to the Regional Administrators, who, in turn, will subassign it to those Field Offices with jurisdiction over the Approved Plan areas for distribution to Recipient Jurisdictions. The Field Office Director shall consult with the APO on the actual geographical distribution and program mix of units on the basis of the Approved Plan and other applicable administrative, regulatory or statutory requirements prior to inviting applications and proposals. To the extent practicable, the distribution and program mix shall be in accordance with the Approved Plan and the recommendations of the APO. If necessary, the appropriate Regional Administrator(s) will assist in facilitating this determination where an Approved Plan overlaps HUD Field Office jurisdictions.

§ 891.606 Priority Criteria for Special Allocations.

(a) An Approved Plan must meet one or more of the following criteria to qualify for priority consideration for

special allocations. An APO whose Plan has previously been selected as the basis for the award of special allocations must meet or must demonstrate significant progress in meeting at least three of the following criteria to be considered for subsequent special allocation:

(1) The APO has established a program, has provided initial funding for the administration of a program, or is otherwise significantly participating or assisting a program which provides housing information, referrals, counseling, and related assistance to lower income and minority households desiring housing assistance outside areas and jurisdictions which contain undue concentrations of low income or minority households.

(2) To the extent that the Section 8 Existing Housing Program is used by Participating Jurisdictions, eligible families currently are permitted to use and are assisted in using their Section 8 Certificates of Family Participation in two or more Participating Jurisdictions (half of which do not have undue concentrations of low income households) representing at least 50 percent of the area population (e.g., through use of an area wide, regional or state public housing agency; through cooperation or other local administrative agreements which provide for inter-jurisdictional use of Section 8 Certificates of Family Participation among Participating Jurisdictions; through elimination of residency preferences or requirements for issuance of Section 8 Existing Certificates in Participating Jurisdictions which participate in the Section 8 Existing Housing Program; or through other administrative mechanisms acceptable to the Secretary which facilitate interjurisdictional moves under this program, etc.).

(3) Residency preferences or requirements for admission to Low-Income Housing have been eliminated in all Participating Jurisdictions by all PHAs administering a Low-Income Housing Program.

(4) The APO has taken an active role in combating discrimination on the basis of race, color, sex, religion, or national origin in the private housing market within the Plan area (e.g., through participating in the development or implementation of a currently operative voluntary areawide affirmative fair housing marketing agreement with HUD or a similar areawide fair housing marketing program.)

(5) The Plan includes as Participating Jurisdictions 75 to 100 percent of the jurisdictions in the Plan area.

(6) Any other activity or activities, as developed or administered by the APO and acceptable to the Secretary, that address the program objective.

(b) The criteria contained in paragraphs (a)(1) through (a)(5) of this section will be given equal consideration in selecting Approved Plans to serve as the basis for award of special allocations. Consideration of any activity or activities identified by the APO in accordance with paragraph (a)(6) of this section will be at the discretion of the Secretary and will be determined on a case-by-case basis.

§ 891.607 Reporting requirements.

(a) Each APO whose Approved Plan has been selected as the basis for a special allocation during or subsequent to federal fiscal 1977 shall submit to HUD a report which contains the following information:

(1) The actual distribution of the special allocation among jurisdictions by program and the number of households assisted or to be assisted as a result of the special allocation (for the Section 8 Existing Housing Program, by household type, by race and sex of head of household, and by previous jurisdiction of residence, if known);

(2) Any refinements, amendments, or upgrading or any of the elements of the Approved Plan;

(3) Actions taken by Participating Jurisdictions to implement or to support the implementation of the Plan (e.g., encouragement of developers-sponsors; zoning amendments; tax abatement programs; coordination of outreach to eligible families and owners of properties which qualify for the Section 8 Existing Housing Program; facilitation of interjurisdictional moves; reservation of water and sewer capacity for assisted housing; development and implementation of complementary Community Development Block Grant or other activities, etc.);

(4) Any increases or decreases in the total number of Participating Jurisdictions or in the number of Participating Jurisdictions covered by HAPs; and

(5) Action(s) taken to meet additional priority criteria contained in § 891.606.

(b) The report shall be submitted to the Field Office Director within eighteen months after the final determination by the Field Office Director and the APO of the geographic distribution of the special allocation in accordance with § 891.603(f) and shall, as a minimum, cover the first 12 months after this determination.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., December 27, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 78-1133 Filed 1-13-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-77-834]

SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

Closing Date for Submission of Requests

Notice is hereby given that in accordance with 24 CFR Part 891, Subpart F, requests are being accepted from Areawide Planning Organizations (APOs) for special allocations of contract authority to be awarded to jurisdictions within their plan areas on the basis of Approved Areawide Housing Opportunity Plans (24 CFR Part 891, Subpart E). Subparts E and F of Part 891 are being published concurrently with this Notice.

The total amount of all special allocations shall not exceed $30 million of contract authority under section 8 (including newly constructed, substantially rehabilitated, and existing housing) of the United States Housing Act of 1937 (42 U.S.C. 1437). The amount of the special allocation which may be provided on the basis of a selected Approved Plan shall not be less than 10 percent nor more than 50 percent of the section 8 contract authority made available within the approved plan area during the current fiscal year, or, if no contract authority has been made available, during the most recent fiscal year in which contract authority was made available. However, this amount shall not be less than that required for an economically feasible project or program in the opinion of the appropriate HUD Field Office Director. HUD will review and select approved plans in accordance with 24 CFR 891.605.

Requests for special allocations shall be submitted in accordance with the procedures set forth in 24 CFR 891.604. To receive consideration, the original of each request shall be submitted to:

Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9100, Attn: HOP, Washington, D.C. 20410.

In addition, two copies of the request shall be addressed to the HUD Regional Office serving the APO's jurisdiction. If the APO is served by more than one regional office, the request shall be submitted to the office which serves the largest geographic portion of the Plan area.

All requests shall be postmarked by March 31, 1978, to receive consideration.

Issued at Washington, D.C., December 27, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-1134 Filed 1-13-78; 8:45 am]

[4210-01]

[Docket No. N-77-833]

SPECIAL ALLOCATIONS BASED UPON APPROVED AREAWIDE HOUSING OPPORTUNITY PLANS

Availability of Community Development Block Grant and Comprehensive Planning Assistance (701) Program Funds

Notice is hereby given that in order to further the implementation of approved areawide housing opportunity plans (approved plans) selected as the basis for special allocations of housing assistance pursuant to 24 CFR 891.605, special grants are being made available under the comprehensive planning assistance (701) program and the community development block grant areawide program.

In accordance with 24 CFR 570.404(b), community development block grants will be made to units of general local government which are participating jurisdictions in an approved housing opportunity plan. The total amount of these special allocations shall not exceed $16,800,000, and will be available for eligible community development activities which facilitate the provision of occupancy of housing provided with housing assistance special allocations of contract authority made available pursuant to 24 CFR Part 891, Subpart F.

For those areawide planning organizations whose approved housing opportunity plans are selected as a basis for special allocations of housing assistance under subpart F, a total of $800,000 in comprehensive planning assistance will be available for planning activities which will assist in the implementation of the approved housing opportunity plan.

Submission deadlines and procedures for participating jurisdictions' applications for community development block grants and for APOs' applications for comprehensive planning assistance to further implement these approved plans will be announced in a separate notice at a later date following the selection of the approved areawide housing opportunity plans.

Issued at Washington, D.C., January 6, 1978.

ROBERT EMBRY,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-1135 Filed 1-13-78; 8:45 am]

federal register

MONDAY, JANUARY 16, 1978
PART VII



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

DISTRICT BOUNDARIES REALIGNMENT, SECOND AND EIGHTH COAST GUARD DISTRICTS

Description

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-167]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

District Boundaries Realignment, Second and Eighth Coast Guard Districts

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: These amendments revise the description of the boundary between the Second and Eighth Coast Guard Districts and the descriptions of certain Marine Inspection Zones and Captain of the Port Areas in those Districts. This action is being taken so that the jurisdiction of the major portion of the proposed Tennessee-Tombigbee Waterway falls under the direct control of the Eighth District Commander. It is intended that this realignment will facilitate the management of aids to navigation, commercial vessel safety, bridge administration, marine environmental protection, and port safety programs.

EFFECTIVE DATE: These amendments are effective on February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION

The principal persons involved in the drafting of these regulations are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, Part 3 of Title 33 of the Code of Federal Regulations is amended:

1. By revising §3.10-1(b) to read as follows:

§3.10-1 Second district.

* * * * *

(b) The Second Coast Guard District is comprised of Arkansas, West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, and Missouri; that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; that part of Minnesota south of 46°20′ N. latitude; that part of Alabama north of 34° N. latitude; that part of Mississippi north of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss, and Tishomingo Counties, except that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

2. By revising §3.10-40 to read as follows:

§3.10-40 Memphis Marine Inspection Zone.

(a) The Memphis Marine Inspection Office is in Memphis, Tenn.

(b) The Memphis marine inspection zone boundary starts at 38°30′ N. latitude, 109° W. longitude; thence easterly to, but not including, LaCrosse, Kans.; thence easterly to, but not including, McPherson, Kans.; thence southeasterly to, but not including, Greenfield, Mo.; thence southeasterly to, but not including, Springfield, Mo.; thence easterly to, but not including, Cabool, Mo.; thence northeasterly to, but not including, Licking, Mo.; thence easterly to, but not including, Oak Ridge, Mo.; thence southeasterly to and including Benton, Mo.; thence southerly to and including Sikeston, Mo.; thence eaterly to and including Bardwell, Ky.; thence southeasterly to 34° N. latitude, 88° W. longitude; thence westerly to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington Counties, Miss.; thence westerly along the Arkansas-Louisiana boundary to the intersection of the Arkansas-Louisiana-Texas boundary; thence northerly along the Arkansas-Texas boundary to the north bank of the Red River; thence westerly along the north bank of the Red River to 100° W. longitude; thence northwesterly along the Texas-Oklahoma boundary to the intersection of the Texas-Oklahoma-New Mexico boundary; thence northerly along the Oklahoma-New Mexico boundary to the intersection of the Oklahoma-New Mexico-Colorado boundary; thence westerly along the New Mexico-Colorado boundary to the intersection of the New Mexico-Colorado-Utah-Arizona boundary; thence northerly along the Colorado-Utah boundary to 38°30′ N. latitude.

3. By revising §3.10-80(b) to read as follows:

§3.10-80 Memphis Captain of the Port.

* * * * *

(b) The Memphis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas with the following boundaries: Starting at 38°30′ N. latitude, 109° W. longitude; thence easterly to, but not including, LaCrosse, Kans.; thence easterly to, but not including, McPherson, Kans.; thence southeasterly to, but not including, Greenfield, Mo.; thence southeasterly to, but not including, Springfield, Mo.; thence easterly to, but not including, Cabool, Mo.; thence northeasterly to, but not including, Licking, Mo.; thence easterly to, but not including, Oak Ridge, Mo.; thence southeasterly to and including Benton, Mo.; thence southerly to and including Sikeston, Mo.; thence easterly to and including Bardwell, Ky.; thence southeasterly to 34° N. latitude, 88° W. longitude; thence westerly to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington Counties, Miss.; thence westerly along the Arkansas-Louisiana boundary to the intersection of the Arkansas-Louisiana-Texas boundary; thence northerly along the Arkansas-Texas boundary to the north bank of the Red River; thence westerly along the north bank of the Red River to 100° W. longitude; thence northwesterly along the Texas-Oklahoma boundary to the intersection of the Texas-Oklahoma-New Mexico boundary; thence northerly along the Oklahoma-New Mexico boundary to the intersection of the Oklahoma-New Mexico-Colorado boundary; thence westerly along the New Mexico-Colorado boundary to the intersection of the New Mexico-Colorado-Utah-Arizona boundary; thence northerly along the Colorado-Utah boundary to 38°30′ N. latitude.

4. By revising §3.40-1(b) to read as follows:

§3.40-1 Eighth district.

* * * * *

(b) The Eighth Coast Guard District is comprised of: New Mexico, Texas,

and Louisiana; that part of Mississippi south of the southern boundaries of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, Lee, Prentiss and Tishomingo counties; the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam; that part of Alabama south of 34° N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50′ W. longitude; thence northerly to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, Ga.; thence northwesterly to West Point, Ga.; and the Gulf of Mexico area west of a line bearing 199° T from the intersection of the Florida coast at 83°50′ W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary).

5. By revising § 3.40-10(b) to read as follows:

§ 3.40-10 The Mobile Marine Inspection Zone and Captain of the Port.

* * * * *

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port area starts at the Florida coast at 83°50′ W. longitude; thence due north to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to 32°20′ N. latitude, 84°02′ W. longitude; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53′ N. latitude; thence northerly along the Georgia-Alabama boundary to 34° N. latitude; thence due west to the Alabama-Mississippi boundary at 34° N. latitude; thence northerly along the Alabama-Mississippi boundary to the southern boundary of Tishomingo County, Miss.; thence westerly and southerly along the southern boundaries of Tishomingo, Prentiss, Lee, and Chickasaw Counties, Miss. to 89° W. longitude; thence due south to the southeastern bank of the Pearl River at 89° W. longitude; thence southwesterly along the southeastern bank of the Pearl River; thence southwesterly along the eastern bank of the Ross Barnett Reservoir; thence southerly along the eastern bank of the Pearl River to the sea.

(80 Stat. 383 (5 U.S.C. 552); sec. 1, 63 Stat. 503 (14 U.S.C. 92); sec. 1, 63 Stat. 545 (14 U.S.C. 632 and 633); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

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: January 6, 1978.

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

[FR Doc. 78-1137 Filed 1-13-78; 8:45 am]



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