

Federal Register

MONDAY, DECEMBER 19, 1977



highlights

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

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

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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

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

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

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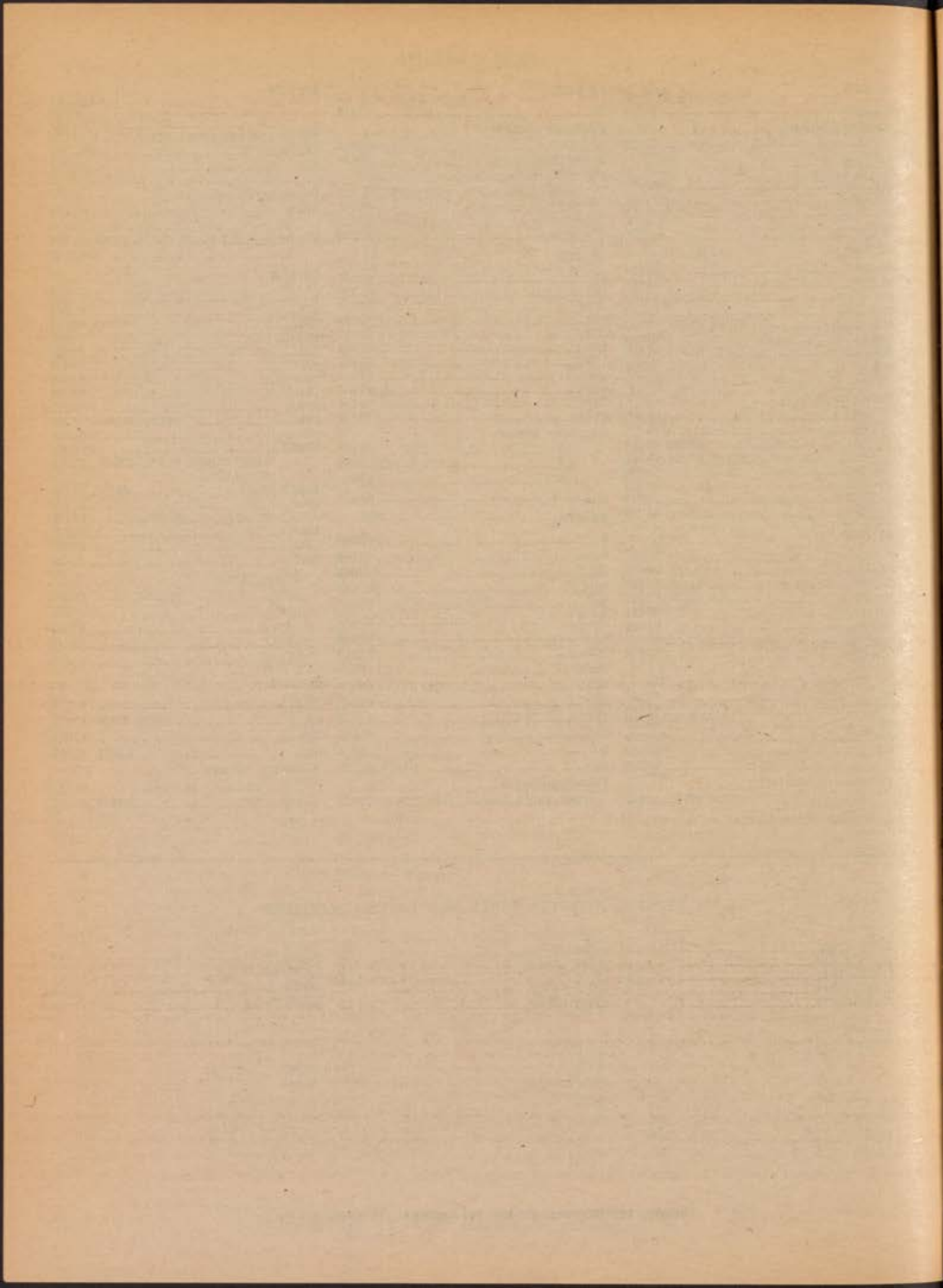
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presidential documents

[3195-01]

Title 3—The President

Executive Order 12029

December 14, 1977

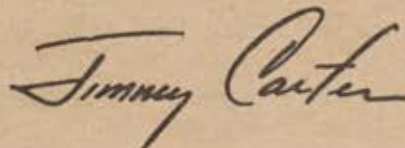
Termination of a Presidential Advisory Committee

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate an advisory committee in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

SECTION 1. (a) The Quetico-Superior Committee is terminated.

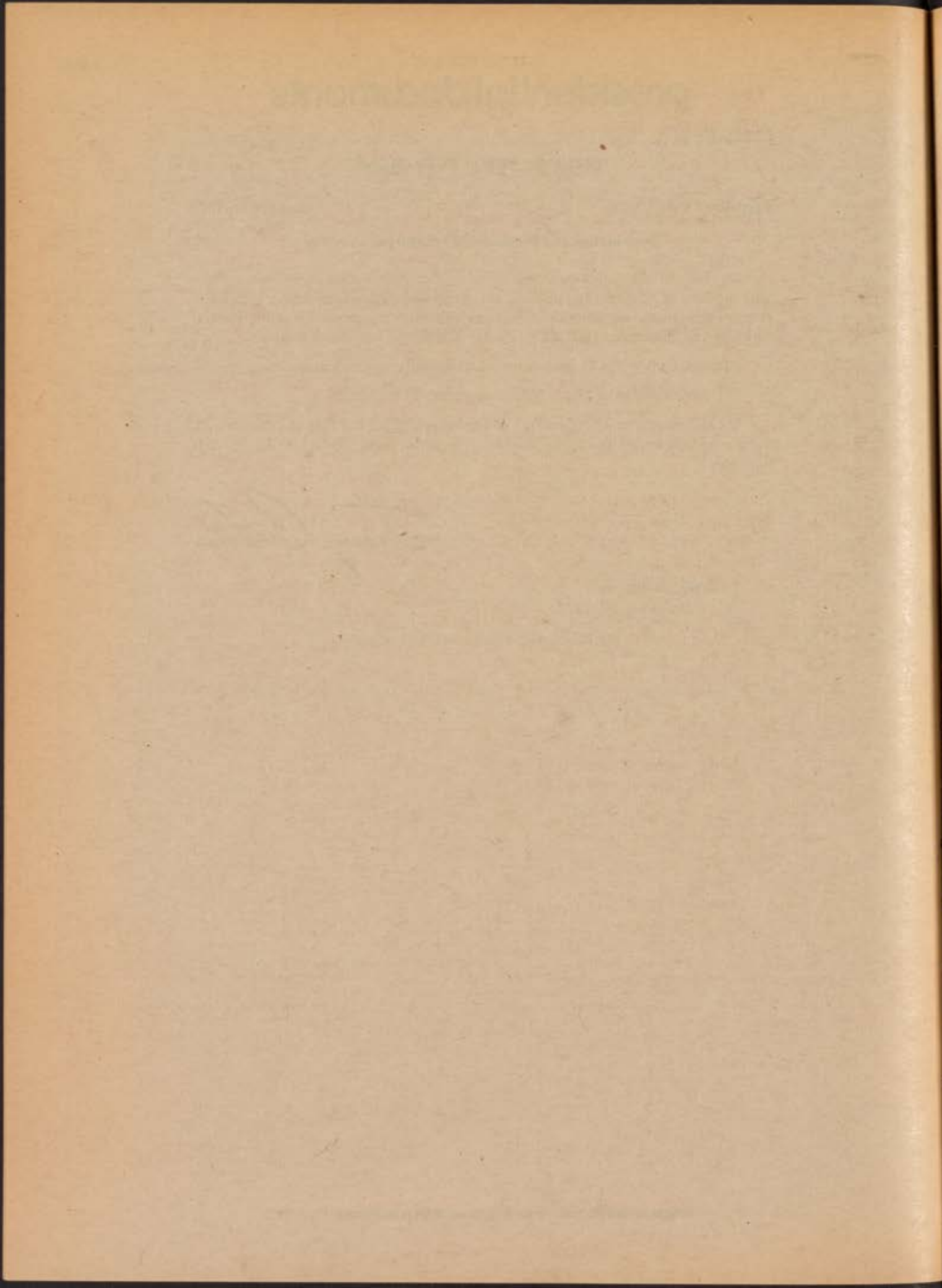
(b) Executive Order No. 11342, as amended, is revoked.

SEC. 2. Subsection (e) of Section 1 of Executive Order No. 11948 of December 20, 1976, which extended the above advisory committee until December 31, 1978, is superseded.



THE WHITE HOUSE,
December 14, 1977.

[FR Doc.77-36253 Filed 12-15-77;4:37 pm]



[3195-01]

Executive Order 12030

December 15, 1977

Termination of the Federal Property Council

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

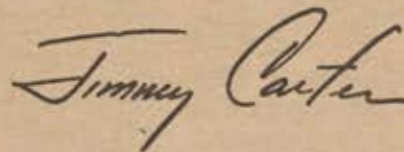
SECTION 1. (a) The Federal Property Council is terminated.

(b) Section 1 of Executive Order No. 11954 of January 7, 1977, which reconstituted the Federal Property Council, is revoked.

(c) Sections 2, 3, 4, 5, and 6 of Executive Order No. 11954 are redesignated as Sections 1, 2, 3, 4, and 5, respectively.

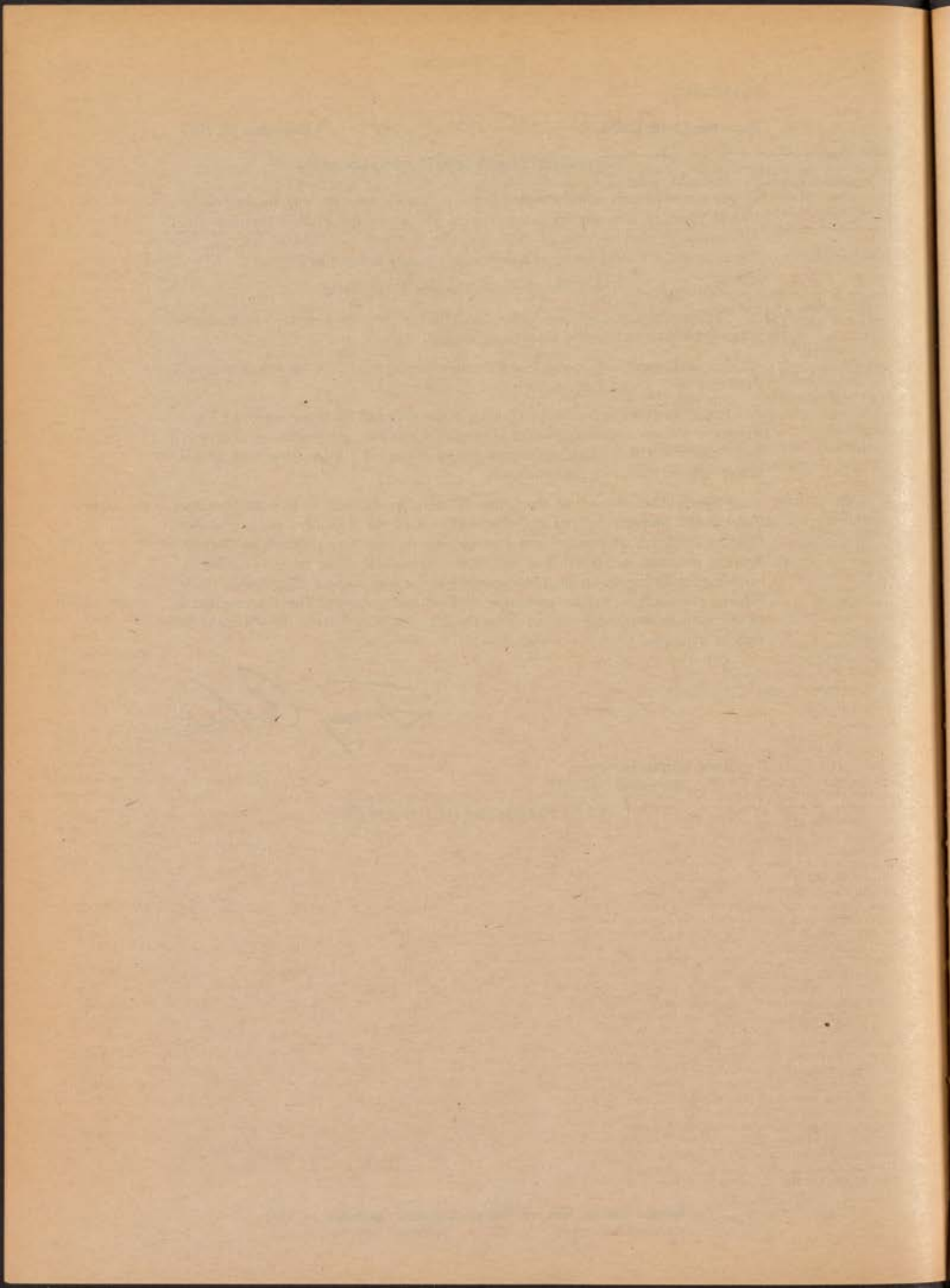
SEC. 2. In order to permit the Director of the Office of Management and Budget to resolve disputes concerning under-utilized real property, the provisions of Executive Order No. 11954 which were redesignated as Section 4 by Section 1(c) of this Order are amended to read as follows:

"Sec. 4. The Director of the Office of Management and Budget shall review Federal real property policies and the objectives of the Executive branch of the Government; and, shall review the reports made by the Administrator of General Services pursuant to Section 3 of this Order, as well as other reports relating to resolving conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property. The Director shall submit such recommendations and cause reports to be submitted to the President as may be appropriate."



THE WHITE HOUSE,
December 15, 1977.

[FR Doc.77-36254 Filed 12-15-77;4:38 pm]



rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 1, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Limitation of Grapefruit Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida grapefruit, during the period beginning at 6:00 p.m., e.s.t., December 22, 1977, and ending 12:01 a.m., e.s.t., December 29, 1977. The regulation is needed to assist in preventing the accumulation of excessive market supplies of grapefruit during the Christmas Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: Findings. (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the marketing agreement and order, and upon other information it is found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh grapefruit and other citrus by the trade prior to Christmas Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of any variety of citrus fruit in the markets during and immediately following the Christmas week contributes to unstable marketing conditions. It is reported that

excessive shipments of fresh grapefruit will likely occur, causing an accumulation of this fruit in the market during and immediately following Christmas. Hence, the curtailment of grapefruit shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective at the time specified. Shipments of Florida grapefruit are currently regulated through September 24, 1978; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits; the recommendation and supporting information for such regulation, were promptly submitted to the Department after open meetings of the committees, after notice thereof, and interested persons were afforded an opportunity to submit information and views; information regarding specifications of the regulation has been provided to shippers, and, except as modified to exempt varieties other than grapefruit, the regulation is identical with the recommendations of the committees; and compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

Accordingly, it is found that the provisions in paragraph (e) § 905.301 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 1; 42 FR 57947; 59387; 59955; 60918; 61590; 62470) following paragraph (d) thereof should be and hereby are revised to read as follows:

§ 905.301 Orange, Grapefruit, Tangerine, and Tangelo Regulation 1.

(a) * * *

(e) During the period beginning at 6:00 p.m., e.s.t., December 22, 1977, and

ending 12:01 a.m., e.s.t., December 29, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

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

Dated: December 14, 1977, to become effective 6 p.m., e.s.t., December 22, 1977.

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

[FR Doc. 77-36096 Filed 12-16-77; 8:45 am]

[3410-02]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1977-78 fiscal period, to be collected from handlers to support activities of the Administrative Committee which locally administers the Federal marketing order covering grapefruit grown in Arizona and designated part of California.

DATES: Effective September 1, 1977, through August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: On November 23, 1977, notice was published in the FEDERAL REGISTER (42 FR 59979) inviting written comments not later than December 9, 1977, on proposed expenses and rate of assessment, under Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that:

§ 909.216 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1977, through August 31, 1978, will amount to \$64,500.

(b) The rate of assessment for said period payable by each handler in accordance with § 909.41 is fixed at \$0.015 per carton, or equivalent quantity of grapefruit.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal period shall apply to all assessable grapefruit handled from the beginning of the period.

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

Dated: December 12, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc. 77-36078 Filed 12-16-77; 8:45 am]

[3410-02]

**PART 911—LIMES GROWN IN FLORIDA
PART 915—AVOCADOS GROWN IN SOUTH
FLORIDA**

Budget of Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These regulations authorize increases of \$9,000 each in expenses for the 1977-1978 fiscal period, to be used to fund production research projects for limes and avocados recommended by the committees which locally administer the Federal marketing orders covering both fruit. The funds will be transferred from committee reserves, and no increase in assessments collected from handlers will be necessary.

DATES: Effective April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: On November 23, 1977, notices were published in the FEDERAL REGISTER (42 FR 59979) inviting written comments not later than December 8 and 9, 1977, on proposed amendment of budgets of expenses, under Marketing Order Nos. 911 and 915, both as amended (7 CFR Parts 911 and 915), respectively, regulating the handling of limes grown in Florida and avocados grown in South Florida. None was received. These programs are effective under the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposals in the notices, it is found that: §§ 911.216 and 915.216 (42 FR 34275; 35142) should be and hereby are amended to read as follows:

MARKETING ORDER 911

§ 911.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during fiscal year April 1, 1977, through March 31, 1978, will amount to \$138,200.

MARKETING ORDER 915

§ 915.216 Expenses and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during fiscal year April 1, 1977, through March 31, 1978, will amount to \$67,760.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which the amendments are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendments at an open meeting. Immediate increases in the previously approved expenses are necessary in order for the committees to meet obligations incurred in accordance with the provisions of the marketing order during 1977-78.

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

Dated: December 13, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc. 77-36094 Filed 12-16-77; 8:45 am]

[8025-01]

**Title 13—Business Credit and Assistance
CHAPTER I—SMALL BUSINESS
ADMINISTRATION**

[Rev. 1, Amdt. 1]

**PART 104—PROCEEDINGS TO SUSPEND
OR REVOKE THE PRIVILEGE OF ANY
AGENT TO APPEAR BEFORE SBA**

Hearing Procedures

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule modifies the requirement that the hearing concerning the proceedings to suspend or revoke the

privilege of any agent to appear before SBA be held before an employee of SBA duly authorized by the Administrator to hear the matter. The rule will permit the Administrator to authorize, in addition to SBA employees, other qualified persons to conduct hearings with respect to suspension or revocation proceedings. Due to the increase in the number of these proceedings, this rule will augment the register of qualified persons available to the Agency and thus tend to expedite such proceedings.

EFFECTIVE DATE: The amendments will become effective December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert B. Webber, Office of General Counsel, Small Business Administration, Washington, D.C. 20416, 202-653-6509.

SUPPLEMENTARY INFORMATION: In view of the fact that the amendments relax existing regulatory restrictions and SBA's determination that it would (1) serve no useful purpose to subject them to public participation and (2) be in furtherance of the public interest if applied immediately, the amendments have been made effective as of the date of publication.

Accordingly, pursuant to the authority contained in Section 5 of the Small Business Act, 15 U.S.C. 634, §§ 104.7 and 104.8 of Part 104, Chapter I, Title 13 of the Code of Federal Regulations are revised to read as follows:

§ 104.7 Hearing.

The hearing shall be informal. It shall be held before the Administrator or any person duly authorized by the Administrator to hear the matter and shall be upon the charges and Respondent's answer thereto. Respondent may, in addition to filing a written answer, furnish affidavits or produce witnesses at the hearing in support of his answer. The Administrator or such duly authorized person may determine the time, place and manner in which Respondent shall be heard, the form in which evidence shall be received, and may adopt rules of procedure and modify same from time to time as the occasion requires for the orderly disposition of the charges. Written notice of the time and place of all hearings shall be given the Respondent in the manner provided in this part for the services of papers. No hearing shall be held without reasonable notice thereof to the Respondent. The Administrator or such duly authorized person may postpone or adjourn hearings when necessary or desirable, on notice to the parties. Following a hearing held before a duly authorized person, said person shall prepare proposed findings and conclusions and present them to the Administrator.

§ 104.8 Decision.

The Administrator shall base his decision upon the record and, if a hearing shall have been held before a person

designated by him, he shall give such weight as he shall deem appropriate to the recommended findings and conclusions of such person. The decision shall state the effective date of any action taken and be served upon the Respondent in the manner provided in § 104.2(a).

Dated: December 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-36089 Filed 12-16-77;8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17414, Amdt. 39-3099]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd.
DH/BH-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a check for security of the threaded insert and addition of a locking feature to the insert of the oxygen supply valves on Hawker Siddeley Aviation, Ltd. DH/BH 125 airplanes. The AD is necessary to prevent a possible sudden release of the oxygen supply in the crew compartment which could result in a possible fire hazard.

DATES: Effective January 3, 1978. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Hawker Siddeley Aviation Incorporated, Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C. 20036, telephone 202-223-9350.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that a condition exists on the oxygen supply valves of certain Hawker Siddeley Aviation, Ltd. DH/BH-125 airplanes which could cause a sudden release of the oxygen supply into the crew compartment. The oxygen supply valves on these airplanes are identical to those used on another British airplane type on which a recent incident occurred wherein the unlocked threaded insert of the valve backed out

of the gland bushing releasing the valve spindle assembly and the high pressure oxygen was discharged into the crew compartment. To correct this potentially hazardous condition, an airworthiness directive is being issued which requires a check to assure that the threaded insert is secure and the addition of locking provision to provide continued security.

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

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

HAWKER SIDDELEY AVIATION, LIMITED: Applies to DH/BH-125 airplanes, all series except 600A and 700A and excluding those airplanes with Modification 252239 embodied which introduces the Walter Kidde supply valve.

Compliance is required as indicated unless already accomplished.

To ensure the retention of the threaded insert and prevent possible sudden discharge of the high pressure oxygen supply into the crew compartment, accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, locate the oxygen master supply valve and passenger supply valve, both P/N SDV 828-1, and check to assure that threaded insert in the gland bushing is secure and spot lock the insert all in accordance with the Section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Limited Alert Service Bulletin 35-A25, dated October 13, 1977, or an FAA-approved equivalent.

(b) Prior to installation of any oxygen supply valves from spares stock, unless already accomplished, check, tighten, and lock the insert in accordance with paragraph (a) of this AD.

This amendment becomes effective January 3, 1978.

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

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

Issued in Washington, D.C., on December 9, 1977.

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

[FR Doc.77-35831 Filed 12-16-77;8:45 am]

[4910-13]

[Docket No. 77-NW-29-AD, Amdt. 39-3098]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires an inspection of the two gates of each pressurization system outflow valve assembly, and replacement if delamination or cracks are found in any of the gate hinge bonds. Delaminated or cracked assemblies may fail, causing rapid depressurization of the aircraft in flight. This directive will be amended to require a modification to add mechanical fasteners to secure the gates to the outflow valve gate hinges.

DATES: Effective date December 19, 1977. Compliance Schedule: As prescribed in the body of the airworthiness directive.

ADDRESSES: Federal Aviation Administration, Engineering and Manufacturing Branch, Northwest Region, FAA Building, Boeing Field, 9010 East Marginal Way South, Seattle, Wash. 98108. Boeing Service Bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. Hamilton Standard Service Bulletins specified in this directive may be obtained upon request to Hamilton Standard Division, United Technologies, Bradley Field Rd., Windsor Locks, Conn. 06096.

These documents may also be examined at the Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Weston B. Slifer, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, 206-767-2500.

SUPPLEMENTARY INFORMATION:

In November 1977, a B-747 airplane cruising at 31,000 feet suffered a rapid depressurization that resulted in a cabin pressure altitude of 19,000 feet. Subsequent investigation revealed that a forward gate on one of the outflow valves had a hinge-to-gate bond fail causing the failure of the opposite hinge lug on the gate. The investigation also indicates that the failed bond may have been defective. Failure of defective gate hinge bonds could result in the depressurization of other 747 airplanes. This rule was

coordinated with Boeing Commercial Airplane Company and the operators through the Air Transport Association (ATA) prior to issuance. To prevent failures of this type and the resultant rapid depressurization, this directive will be amended to require a modification to add mechanical fasteners to secure the gates to the outflow valve gate hinges.

DRAFTING INFORMATION

The principal authors of this document are Weston B. Slifer, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

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

ADOPTION OF THE AMENDMENT

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

BORING: Applies to Model 747 Series airplanes certificated in all categories and equipped with pressurization system outflow valve assemblies, Boeing P/N 60B00025-3, -11, -12, and -17.

Compliance required as indicated. To prevent rapid loss of pressurization accomplish the following:

A. Within 350 hours time in service after the effective date of this Airworthiness Directive, unless already accomplished, inspect forward and aft gates of each outflow valve assembly in accordance with the instructions contained in Boeing Service Bulletin No. 747-21-2139 dated November 23, 1977, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Gates found with delamination or cracks in the hinge-to-gate bonds must be removed and replaced with a part free of delamination or cracks. Removed gates may be forwarded to Hamilton Standard for further evaluation.

B. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the inspection compliance time and/or modification compliance time specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, and Hamilton Standard Division, United Technologies, Bradley Field Road, Windsor Locks, Conn. 06096. These documents may also be examined at the Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108. This amendment becomes effective December 19, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423), sec. 5(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 Seattle, Wash., on December 8, 1977.

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

C. B. WALK, Jr.
Director, Northwest Region.

[FR Doc. 77-35832 Filed 12-16-77; C. 45 am]

[4910-13]

[Docket No. 17412; Amdt. No. 1100]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures

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

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

ADOPTION OF THE AMENDMENT

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

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

* * * effective February 23, 1978:

Anderson, IN—Anderson Municipal, VOR-A, Amdt. 4.
New Hudson, MI—Oakland Southwest, VOR-A, Amdt. 2.

* * * effective February 9, 1978:

Dothan, AL—Wheelless, VOR-B, Amdt. 3.
Ozark, AL—Blackwell Field, VOR Rwy 30, Amdt. 4.
Ft. Myers, FL—Page Field, VOR Rwy 23, Amdt. 3.
Kissimmee, FL—Kissimmee Municipal, VOR/DME-A, Amdt. 2.
Champaign-Urbana, IL—University of Illinois-Willard, VOR Rwy 31, Amdt. 9.
New Orleans, LA—Lakefront, VOR/DME Rwy 36, Amdt. 1.
Park Rapids, MN—Park Rapids Municipal, VOR Rwy 13, Amdt. 2.
Park Rapids, MN—Park Rapids Municipal, VOR Rwy 31, Amdt. 7.
Fulton, MO—Fulton Municipal, VOR-A, Original.
Fulton, MO—Fulton Municipal, VOR/DME-A (TAC), Original, cancelled.
Findlay, OH—Findlay, VOR Rwy 36, Amdt. 2.
Chesterfield, VA—Chesterfield County, VOR Rwy 15, Amdt. 3.
Pulaski, WI—Carter, VOR-A, Amdt. 1.

* * * effective January 26, 1978:

Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, VOR Rwy 9L, Amdt. 15.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, VOR Rwy 13, Amdt. 13.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, VOR Rwy 27R, Amdt. 8.
Pompano Beach, FL—Pompano Beach Airport, VOR Rwy 14, Amdt. 5.
Garden City, KS—Garden City Muni., VOR Rwy 35, Amdt. 5.
Nashua, NH—Boire Field, VOR-A, Amdt. 8.
Johnson City, TX—Johnson City, VOR-B, Original.
Kenedy, TX—Karnes County, VOR/DME-A, Amdt. 3.
New Braunfels, TX—New Braunfels Municipal, VOR-DME-A, Amdt. 2.
San Antonio, TX—Stinson Municipal, VOR Rwy 32, Amdt. 9.
San Antonio, TX—San Antonio International, VOR-A, Amdt. 1.

Texarkana, AR—Texarkana Municipal/Webb Field, VOR Rwy 13, Amdt. 11.

* * * effective December 29, 1977:

Topeka, KS—Philip Billard Muni., VOR Rwy 22, Amdt. 15.

* * * effective December 2, 1977:

Neptune, NJ—Asbury Park Neptune, VOR-A, Amdt. 5, cancelled.

* * * effective November 29, 1977:

Troy, AL—Troy Muni., VOR-A, Amdt. 2.

* * * effective November 28, 1977:

Lone Rock, WI—Tri-County, VOR-A, Amdt. 2.

* * * effective November 23, 1977:

Winchester, IN—Randolph County, VOR-A, Amdt. 1.

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

* * * effective February 23, 1978:

Anderson, IN—Anderson Municipal, LOC Rwy 30, Amdt. 1.
Anderson, IN—Anderson Municipal, LOC (BC) Rwy 12, Original.

* * * effective February 9, 1978:

Alma, MI—Gratiot Community, SDF BC Rwy 27, Original, cancelled.

* * * effective January 26, 1978:

Texarkana, AR—Texarkana Municipal/Webb Field, LOC/DME BC Rwy 4, Amdt. 5.
Bismarck, ND—Bismarck Municipal, LOC/DME(BC) Rwy 13, Amdt. 3.

* * * effective December 29, 1977:

Topeka, KS—Philip Billard Muni., LOC BC Rwy 31, Amdt. 15.

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

* * * effective February 23, 1978:

Anderson, IN—Anderson Municipal, NDB Rwy 30, Amdt. 1.

* * * effective February 9, 1978:

Colorado Springs, CO—City of Colorado Springs Muni., NDB Rwy 35, Amdt. 21.
Deland, FL—Deland Muni-Sidney H. Taylor Field, NDB Rwy 23, Amdt. 4.
Kissimmee, FL—Kissimmee Municipal, NDB Rwy 15, Amdt. 4.
Sanford, FL—Sanford, NDB Rwy 9, Amdt. 6.
Titusville, FL—Titusville-Cocoa, NDB Rwy 18, Amdt. 6.
Charleston, SC—Charleston AFB/MUNI, NDB Rwy 15, Amdt. 15.

* * * effective January 26, 1978:

Texarkana, AR—Texarkana Municipal/Webb Field, NDB Rwy 22, Amdt. 5.
Ft. Lauderdale, FL—Ft. Lauderdale Executive, NDB Rwy 8, Amdt. 2.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, NDB Rwy 13, Amdt. 12.
Nashua, NH—Boire Field, NDB-A, Amdt. 7, cancelled.
Nashua, NH—Boire Field, NDB-B, Amdt. 8.
Bismarck, ND—Bismarck Municipal, NDB Rwy 31, Amdt. 25.
Reading, PA—Reading Municipal General Carl A. Spaatz Field, NDB Rwy 36, Amdt. 17.
Austin, TX—Robert Mueller Municipal, NDB Rwy 30L, Amdt. 27.
Kerrville, TX—Kerrville Municipal Louis Schreiner Field, NDB-A, Amdt. 3.
Marble Falls, TX—Horseshoe Bay, NDB Rwy

17, Amdt. 2.
New Braunfels, TX—New Braunfels Municipal, NDB Rwy 22, Amdt. 1.
Pleasanton, TX—Pleasanton Municipal, NDB-A, Amdt. 2.
San Antonio, TX—San Antonio International, NDB Rwy 3R, Amdt. 33.
San Antonio, TX—San Antonio International, NDB Rwy 12R, Amdt. 17.
San Marcos, TX—San Marcos Municipal, NDB Rwy 30, Amdt. 1.

* * * effective December 29, 1977:

Topeka, KS—Philip Billard Muni., NDB Rwy 13, Amdt. 25.

* * * effective December 1, 1977:

Illamna, AK—Illamna, NDB Rwy 35, Amdt. 1.

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

* * * effective February 9, 1978:

Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 3.
New Orleans, LA—Lakefront, ILS Rwy 18, Amdt. 3.
Charleston, SC—Charleston AFB/MUNI, ILS Rwy 15, Amdt. 16.

* * * effective January 26, 1978:

Texarkana, AR—Texarkana Municipal/Webb Field, ILS Rwy 22, Amdt. 7.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l, ILS Rwy 9L, Amdt. 8.
Bismarck, ND—Bismarck Municipal, ILS Rwy 31, Amdt. 26.
Reading, PA—Reading Municipal, General Carl A. Spaatz Field, ILS Rwy 36, Amdt. 22.
San Antonio, TX—San Antonio International, ILS Rwy 3R, Amdt. 10.
San Antonio, TX—San Antonio International, ILS Rwy 12R, Amdt. 6.

* * * effective January 12, 1978:

Boston, MA—General Edward Lawrence Logan Int'l, ILS Rwy 22L, Original.

* * * effective December 29, 1977:

Topeka, KS—Philip Billard Muni., ILS Rwy 13, Amdt. 26.

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

* * * effective February 9, 1978:

Colorado Springs, CO—City of Colorado Springs Muni., RADAR-1, Amdt. 14.
Evansville, IN—Evansville Dress Regional, RADAR-1, Amdt. 2.

* * * effective January 26, 1978:

Monroe, LA—Monroe Municipal, RADAR-1, Original.

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

* * * effective January 26, 1978:

West Palm Beach, FL—Palm Beach International, RNAV Rwy 13, Amdt. 3.
Garden City, KS—Garden City Muni., RNAV Rwy 35, Amdt. 1.
San Antonio, TX—San Antonio International, RNAV Rwy 30L, Amdt. 5.

* * * effective December 29, 1977:

Topeka, KS—Philip Billard Muni., RNAV Rwy 17, Amdt. 3.

* * * effective November 28, 1977

Lone Rock, WI—Tri-County, RNAV Rwy 27, Amdt. 2.

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

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

Issued in Washington, D.C., on December 9, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc. 77-35836 Filed 12-16-77; 8:45 am]

[6750-01]

Title 16—Commercial Practices CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2913]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Shop-Rite Foods, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Grand Prairie, Tex. retail food store chain, to make each of its advertised items readily available for sale to customers in its stores, to have advertised items correctly priced, and to sell those items at or below the advertised price. Further, the firm must post copies of advertisements and notices of the availability of "rainchecks" for unavailable items.

DATES: Complaint and order issued November 11, 1977.¹

FOR FURTHER INFORMATION CONTACT:

Carl L. Swanson, Jr., Director, Dallas Regional Office, Federal Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Tex. 75201, 214-749-3056.

SUPPLEMENTARY INFORMATION: On Wednesday, May 11, 1977, there was published in the FEDERAL REGISTER (42 FR 23846) a proposed consent agreement with analysts in the Matter of Shop-Rite Foods, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

¹ Copies of the Complaint, and the Decision and Order, filed with the original document.

Comments were filed and considered by the Commission.

The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.10-1 Availability of merchandise and/or facilities; § 13.125 Limited offers or supply; § 13.180 Quantity; § 13.180-30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-25 Displays, in-house; § 13.533-45 Maintain records. Subpart—Disseminating Advertisements, etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

CAROL M. THOMAS,
Secretary.

[FR Doc. 77-36097 Filed 12-16-77; 8:45 am]

[4830-01]

Title 26—Internal Revenue CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY SUBCHAPTER A—INCOME TAX

[T.D. 7523]

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

Treatment of Advanced Royalties Paid or Accrued in Connection With Mineral Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations which modify the treatment of advanced royalties paid or accrued in connection with mineral property. These regulations limit the circumstances under which a payor may elect to deduct advanced royalties in the year in which the advanced royalties are paid or accrued.

DATE: The regulations generally apply to advanced royalties which are paid or accrued in connection with mineral property on or after October 29, 1976.

See the adoption clause for certain exceptions.

FOR FURTHER INFORMATION CONTACT:

Walter H. Woo 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), 202-566-6618.

SUPPLEMENTAL INFORMATION:

BACKGROUND

On November 2, 1976, The FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 612 of the Internal Revenue Code of 1954 (41 FR 48133). The amendments were proposed in order to modify the treatment of advanced royalties referred to in § 1.612-3(b) paid or accrued in connection with mineral property. After consideration of all comments regarding the proposed amendments, this Treasury decision is adopted.

IN GENERAL

The amendment modifies § 1.612-3(b) to limit the circumstances under which a payor may elect to deduct advanced royalties in the year in which the advanced royalties are paid or accrued. The amendment provides as a general rule that the payor shall treat the advanced royalties paid or accrued in connection with mineral property as deductions from gross income for the year the mineral product is sold. However, in the case of advanced royalties paid or accrued in connection with mineral property as a result of a minimum royalty provision, the payor, at his option, may treat the advanced royalties as deductions from gross income for the year the minimum royalties are paid or accrued.

The rule of the proposed regulation that allowed advanced royalties to be deducted in the year the mineral product is sold is clarified by the addition of a sentence providing that, in the case of mineral sold before production, the mineral product is considered to be sold when the mineral is produced (i.e., when a mineral product first exists).

MINIMUM ROYALTY PROVISION

The definition of a minimum royalty provision (which entitles the taxpayer to make the election provided) is clarified and expanded to require that a substantially uniform amount of royalties be paid at least annually either over the life of the lease or for a period of at least 20 years, in the absence of mineral production requiring payment of aggregate royalties in a greater amount. For purposes of determining whether a provision in a renewable lease qualifies, the regulation provides that the period for which it can be renewed or extended shall be treated as part of the original lease.

ADDITION OF CROSS-REFERENCES

The regulation as proposed has been further modified to provide that § 1.612-3

(b) (3) does not allow as deductions from gross income amounts disallowed as deductions under other provisions of the Internal Revenue Code, such as section 461 (relating to general rule for taxable year of deduction), section 465 (relating to deductions limited to amount at risk in case of certain activities), or section 704(d) (relating to limitation on allowance to partners of partnership losses).

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to modify the treatment of advanced royalties paid or accrued in connection with mineral property, § 1.612-3 of the Income Tax Regulations (26 CFR Part 1) is amended by revising paragraph (b) (3), effective with respect to advanced royalties which are paid or accrued in connection with mineral property on or after October 29, 1976 (the date of News Release IR-1687 announcing the proposed amendment). However, the amendment will not apply if prior to October 29, 1976 (i) the payment of the advanced royalties was required pursuant to a mineral lease which was binding upon the party who in fact pays or accrues such royalties, or (ii) the payment of the advanced royalties was required by reason of a written contract which bound the party who in fact pays or accrues such royalties to execute a lease requiring the payment of the advanced royalties. For purposes of clause (ii) of the preceding sentence, the party must establish, to the satisfaction of the Secretary or his delegate, that under all the facts and circumstances the contractual obligation to pay the advanced royalties was binding upon him prior to that date. In addition, a contract will in no event be considered to be binding upon the party if the obligations imposed on the party prior to October 29, 1976, were not substantial or were illusory.

In the case of advanced royalties paid or accrued by a partnership the "party" who, under the preceding paragraph, must be obligated prior to October 29, 1976, with respect to the payment of the advanced royalties is the partner, not the partnership. For purposes of the preceding sentence a partner is considered obligated prior to October 29, 1976 if the partnership was obligated immediately prior to that date and then only to the extent of the partner's distributive share of the partnership's liability for such payment immediately prior to that date. Of course, the determination of the amount of a partner's distributive share of deductions attributable to advanced royalties is subject to partnership principles and relevant provisions of the Internal Revenue Code of 1954.

As so amended paragraph (b) (3) of § 1.612-3 reads as follows:

§ 1.612-3 Depletion; treatment of bonus and advanced royalty.

(b) Advanced royalties. . . .
(3) The payor shall treat the advanced royalties paid or accrued in connection with mineral property as deductions from gross income for the year the mineral product, in respect of which the advanced royalties were

paid or accrued, is sold. For purposes of the preceding sentence, in the case of mineral sold before production the mineral product is considered to be sold when the mineral is produced (i.e., when a mineral product first exists). However, in the case of advanced mineral royalties paid or accrued in connection with mineral property as a result of a minimum royalty provision, the payor, at his option, may instead treat the advanced royalties as deductions from gross income for the year in which the advanced royalties are paid or accrued. See section 446 (relating to general rule for methods of accounting) and the regulations thereunder. For purposes of this paragraph, a minimum royalty provision requires that a substantially uniform amount of royalties be paid at least annually either over the life of the lease or for a period of at least 20 years, in the absence of mineral production requiring payment of aggregate royalties in a greater amount. For purposes of the preceding sentence, in the case of a lease which is subject to renewal or extension, the period for which it can be renewed or extended shall be treated as part of the term of the original lease. For special rules applicable when the payor is a sublessor of coal or domestic iron ore, see paragraph (b) (3) of § 1.631-3. Every taxpayer who pays or accrues advanced royalties resulting from a minimum royalty provision must make an election as to the treatment of all such advanced royalties in his return for the first taxable year ending after December 31, 1939, in which the advanced royalties are paid or accrued. The taxpayer's treatment of the advanced royalties for the first year shall be deemed to be the exercise of the election. Accordingly, a failure to deduct the advanced royalties for that year will constitute an election to have all the advanced royalties treated as deductions for the year of the sale of the mineral product in respect of which the advanced royalties are paid or accrued. See section 7807(b) (2). For additional rules relating to elections in the case of partners and partnerships, see section 703 (b) and the regulations thereunder. The provisions of this subparagraph do not allow as deductions from gross income amounts disallowed as deductions under other provisions of the Code, such as section 461 (relating to general rule for taxable year of deduction), section 465 (relating to deductions limited to amount at risk in case of certain activities), or section 704(d) (relating to limitation on allowance to partners of partnership losses).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805) (1).)
Officially published in the Federal Register

WILLIAM E. WILLIAMS,
Acting Commissioner
of Internal Revenue.

Approved: December 6, 1977.

DONALD C. LUBICK,
Acting Assistant Secretary of
the Treasury.

§ 1.612-3 Depletion; treatment of bonus and advanced royalty.

(b) Advanced royalties. . . .
(3) The payor shall treat the advanced royalties paid or accrued in connection with mineral property as deductions from gross income for the year the mineral product, in respect of which the advanced royalties were paid or accrued, is sold. For purposes of the preceding sentence, in the case of mineral sold before produc-

tion the mineral product is considered to be sold when the mineral is produced (i.e., when a mineral product first exists). However, in the case of advanced mineral royalties paid or accrued in connection with mineral property as a result of a minimum royalty provision, the payor, at his option, may instead treat the advanced royalties as deductions from gross income for the year in which the advanced royalties are paid or accrued. See section 446 (relating to general rule for methods of accounting) and the regulations thereunder. For purposes of this paragraph, a minimum royalty provision requires that a substantially uniform amount of royalties be paid at least annually either over the life of the lease or for a period of at least 20 years, in the absence of mineral production requiring payment of aggregate royalties in a greater amount. For purposes of the preceding sentence, in the case of a lease which is subject to renewal or extension, the period for which it can be renewed or extended shall be treated as part of the term of the original lease. For special rules applicable when the payor is a sublessor of coal or domestic iron ore, see paragraph (b) (3) of § 1.631-3. Every taxpayer who pays or accrues advanced royalties resulting from a minimum royalty provision must make an election as to the treatment of all such advanced royalties in his return for the first taxable year ending after December 31, 1939, in which the advanced royalties are paid or accrued. The taxpayer's treatment of the advanced royalties for the first year shall be deemed to be the exercise of the election. Accordingly, a failure to deduct the advanced royalties for that year will constitute an election to have all the advanced royalties treated as deductions for the year of the sale of the mineral product in respect of which the advanced royalties are paid or accrued. See section 7807(b) (2). For additional rules relating to elections in the case of partners and partnerships, see section 703(b) and the regulations thereunder. The provisions of this subparagraph do not allow as deductions from gross income amounts disallowed as deductions under other provisions of the Code, such as section 461 (relating to general rule for taxable year of deduction), section 465 (relating to deductions limited to amount at risk in case of certain activities), or section 704(d) (relating to limitation on allowance to partners of partnership losses).

[FR Doc. 77-36062 Filed 12-14-77; 10:56 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
AGENCY: Coast Guard, DOT.
ACTION: Final Rule.

SUMMARY: The Coast Guard is revising the Regulated Navigation Area regulation for Apra Outer Harbor, Guam. This amendment requires outbound vessels to wait for inbound vessels to clear the entrance before transiting the Apra Outer Harbor Entrance, removes the exemption for public vessels except for the requirement for vessels with explosives on board to obtain permission to enter Apra Harbor, and changes the regulatory authority from the Magnuson Act to the Ports and Waterways Safety Act of 1972. Presently the existing situation at Apra Harbor is potentially hazardous as vessels must wait outside the Harbor, having to fight the adverse current. These amendments are intended to make vessel operations at Apra Harbor safer.

EFFECTIVE DATE: This amendment is effective on January 18, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On May 19, 1976, the Coast Guard published a proposed rule (41 FR 20173) concerning these amendments. Interested persons were given until June 16, 1976, to submit comments on the proposal. One comment was received from the U.S. Navy.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

The U.S. Navy requested that the exemption for public vessels of the United States contained in § 128.1401(b) (1) not be removed as was proposed in the notice.

This section requires vessels carrying over 25 tons of high explosives, other than public vessels, to obtain permission to enter Apra Harbor.

The purpose of the requirement to obtain permission to enter, is to alert the Captain of the Port to circumstances which could pose an unusual risk to the safety of the harbor.

Major Naval vessels generally carry over 25 tons of explosives and are fitted with permanent magazines for this purpose; therefore, these vessels do not present the degree of risk entailed by commercial vessels which occasionally carry explosives as cargo. This section, without the exemption, would require Naval vessels to routinely obtain permission to enter Apra Harbor. Imposing this burden on Naval vessels is unnecessary and is not in the public interest. Therefore, the exemption for public vessels will remain in the rules.

In consideration of the foregoing, Part 128 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 128.301 [Amended]

1. By deleting the authority citation immediately following § 128.301.

2. By amending § 128.1401 as set forth below and by deleting the authority citation.

§ 128.1401 Apra Outer Harbor, Guam.

(b) Regulations. . . .

(2) Except for vessels not more than 65 feet in length, tow boats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor Entrance.

(3) Vessels over 100 gross tons shall: (i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

(Secs. 101, 104, Pub. L. 92-340, 86 Stat. 424, 427; (33 U.S.C. 1221, 1224); 49 CFR 1.46(n) (4).)

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

Dated: December 9, 1977.

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

[FR Doc. 77-36151 Filed 12-16-77; 8:45 am]

[6820-25]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT [FPMR Amendment E-214]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Exchange/Sale Automatic Data Processing Equipment (ADPE)

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

ACTION: Final rule.

SUMMARY: This amendment prescribes additional information to be included on the Standard Form 120, Report of Excess Personal Property, when agencies report exchange/sale ADPE to the General Services Administration. This action is taken to ensure that ADPE exchange/sale transactions are properly considered and processed before advertising and re-

lease. This amendment has been adopted from the program detailed in FPMR Temporary Regulation E-48, which has been in effect since February 7, 1977. GSA has received no adverse comments. The intended effect of this amendment is to codify this program.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: FPMR Temporary Regulation E-48, dated February 7, 1977, is canceled.

This regulation amends §§ 101-32.4702 and 101-32.4901 to request additional information from the Federal agencies when reporting exchange/sale ADPE to GSA.

Subpart 101-32.47—Reports

Section 101-32.4702(c) is revised to read as follows:

§ 101-32.4702 Reporting excess or exchange/sale ADPE.

(c) The words "Exchange/Sale Property" and the statement:

A written administrative determination has been or will be made to apply the exchange allowance or proceeds of sale toward the acquisition of similar items by other than lease.

shall be displayed prominently on the original and four copies of the SF 120 when reporting ADPE that is to be replaced pursuant to exchange/sale provisions of Part 101-46. Without exception, both cash (sale) and exchange (trade-in) offers shall be solicited. The acquisition cost and the reimbursement required, which shall not be greater than the cash (sale) or exchange (trade-in) offer that the reporting agency has received for the specific ADPE, shall be shown on the SF 120. In addition, the following information must be forwarded with the SF 120:

(1) The identity of the offeror of the cash or exchange offer (Enclose copy of offer with the SF 120.);

(2) The type of replacement equipment;

(3) The method of acquisition for the replacement equipment;

(4) The anticipated purchase price for the replacement equipment;

(5) The delegation of procurement authority (DPA) number assigned by GSA, if a DPA is required, for the replacement equipment; and

(6) The name and telephone number of the contracting officer. Until this information is received, the equipment will not be entered into exchange/sale screening. Exchange/sale reports received with inadequate screening time

(in noncompliance with the 90-day requirement in § 101-32.4702, above) will be disapproved and entered into screening as excess ADPE. If there is any change to a cash or exchange offer subsequent to the submission of an SF 120, a revised SF 120 indicating the new cash or exchange offer shall be promptly submitted to GSA. Agencies will be advised promptly, in writing, of the date the original or revised SF 120 is received by GSA. Such equipment shall not be sold or exchanged prior to written authorization from GSA. (See § 101-32.4901-120(c) for a specimen description of SF 120 when reporting exchange/sale ADPE.)

Subpart 101-32.49—Illustrations of Forms

Section 101-32.4901-120(c) is added to provide a specimen description of SF 120 when reporting exchange/sale ADPE.

§ 101-32.4901-120 Standard Form 120, Report of Excess Personal Property.

NOTE.—The form illustrated in § 101-32.4901-120(c) is filed as part of the original document and does not appear in the *FEDERAL REGISTER*.

(Sec. 206(c), 63 Stat. 390 (40 U.S.C. 486 (c)).)

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

Dated: December 8, 1977.

JAY SOLOMON,
Administrator
of General Services.

[FR Doc.77-36077 Filed 12-16-77;8:45 am]

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION [CGD 77-042]

DETAILED HAZARDOUS MATERIALS INCIDENT REPORTS

Reports and Forms; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction of final rule.

SUMMARY: In FR Doc. 77-23942 appearing at page 41636 in the *FEDERAL REGISTER* of August 18, 1977 the Coast Guard deleted form CG-4752, Hazardous Materials Incident Reports, and sections of title 46 referring to the form. This correction deletes references to the form in other parts of title 46 that were missed in the August 18th change.

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.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Mr. Robert Query, Project Manager, Office of Merchant Marine Safety, and Lieutenant William R. Kerivan, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, title 46 of the Code of Federal Regulations is amended as follows:

PART 30—GENERAL PROVISIONS

1. By revising the last sentence in § 30.01-5(e) to read as follows:

§ 30.01-5 Application of regulations—
TB/ALL.

(e) (1) * * * In addition, these vessels shall report marine casualties occurring while they are in the navigable waters of the United States as required by Subpart 35.15.

PART 70—GENERAL PROVISIONS

2. By revising § 70.05-3(f) to read as follows:

§ 70.05-3 Foreign vessels subject to the requirements of this subchapter.

(f) Notwithstanding the exceptions noted in paragraph (b), each foreign vessel must report marine casualties occurring while the vessel is in the navigable waters of the United States as required by Subpart 78.07.

PART 78—OPERATIONS

§ 78.07-13 [Deleted]

3. By deleting § 78.07-13.

PART 90—GENERAL PROVISIONS

4. By revising § 90.05-1(c) to read as follows:

§ 90.05-1 Vessels subject to requirements of this subchapter.

(c) Notwithstanding the exception noted in paragraph (a) (1), each foreign vessel must report marine casualties occurring while the vessel is in the navigable waters of the United States as required by Subpart 97.07.

PART 97—OPERATIONS

§ 97.07-13 [Deleted]

5. By deleting § 97.07-13.

PART 148—SOLIDS IN BULK

6. By revising § 148.01-1(e) to read as follows:

§ 148.01-1 Purpose and Applicability.

(e) The term "hazardous materials" includes a number of specific classes, the definitions of which are contained in 49 CFR Parts 170-189.

7. By revising § 148.02-5 to read as follows:

§ 148.02-5 Report of hazardous materials incidents.

In the event of an incident involving hazardous materials, an immediate report must be sent in accordance with 49 CFR 171.15.

PART 175—GENERAL PROVISIONS

§ 175.05-1 [Amended]

8. By deleting § 175.05-1(g).

PART 185—OPERATIONS

§ 185.15-3 [Deleted]

9. By deleting § 185.15-3.

PART 196—OPERATIONS

§ 196.07-13 [Deleted]

10. By deleting § 196.07-13.

(R.S. 4405 as amended, R.S. 4462 as amended, R.S. 4417A as amended, R.S. 4472 as amended, Sec. 6(B) (1), 80 Stat. 937; 46 U.S.C. 170, 375, 391a, 416; 49 U.S.C. 1655(b) (1); 40 CFR 146(b).)

Dated: December 13, 1977.

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

[FR Doc.77-36148 Filed 12-16-77;8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATION ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendment Clarifying Rules Regarding Radiotelephony Watch To Be Maintained at 2182 kHz

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Editorial amendment of § 83.201(b) of the Commission's rules and regulations. This amendment will clarify the Commission's rules regarding the radiotelephony watch to be maintained on 2182 kHz.

EFFECTIVE DATE: December 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

John C. K. Hays, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial amendment of § 83.201(b) of the Commission's rules and regulations. *Order*.

Adopted: December 9, 1977.

Released: December 13, 1977.

1. Under § 83.201(b) of the Commission's rules, radiotelephony ship stations licensed to operate in the 1605 to 3500 kHz and, except those stations on board vessels required by law to be fitted with radiotelegraph equipment, must maintain during their hours of service for telephony an efficient watch for reception of A3 and A3H emissions on the authorized carrier frequency 2182 kHz whenever such station is not being used for transmission on that frequency or for communication on other frequencies. It has been brought to the attention of the Commission that this section could be misinterpreted to require vessels licensed to operate in the 1605 to 3500 kHz band to maintain a watch on 2182 kHz when the ship station is operating or monitoring in another marine band such as the VHF marine band. This was not the intent of Section 83.201(b), rather it was to require a ship station to maintain an efficient watch on 2182 kHz only during its hours of service in the band 1605 to 3500 kHz.

2. Accordingly, the Commission's rules are being amended to reflect this intent. Authority for this amendment is contained in Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and Section 0.231(d) of the Commission's rules 47 CFR 0.231(d). Since the amendment is editorial in nature, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. In view of the above, it is ordered, That the rule amendment set forth below is adopted effective December 23, 1977.

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

FEDERAL COMMUNICATIONS
COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

In § 83.201, paragraph (b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kHz shall, during its hours of service for telephony in this band, and as far as possible, maintain an efficient watch for the reception of A3 and A3H emissions on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies in this band. The ship station shall, during its hours of service for radiotelephony, maintain such watch at least twice each hour during the silence period x h:00-x h:03 and x h:30-x h:33 Greenwich

mean time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

[FR Doc. 77-36113 Filed 12-16-77; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-146; Amdt. Nos. 173-112, 178-45]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Extension of Service Life of DOT 3HT Cylinders

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends that part of the Department's Hazardous Materials Regulations pertaining to the requalification of DOT 3HT specification cylinders by extending the service life from 15 years to 24 years. This action responds to petitions filed by the Air Transport Association, Inc., and the Compressed Gas Association, Inc. The intended effect is to allow continued use of the cylinders through a 24-year service life or 4,380 pressurizations, in place of the present 15-year service life limitation.

EFFECTIVE DATE: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: On December 16, 1976, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-146, Notice 76-13 (41 FR 54958) which proposed these amendments. The background and basis for incorporating these amendments were discussed in that notice. Interested persons were invited to give their views prior to the closing date of March 22, 1977. Primary drafters of this document are Jose S. Pena, Office of Hazardous Materials Operations, Technical Services Branch, and Douglas A. Crockett, Office of the Chief Counsel, Research and Special Programs Directorate.

Several commenters suggested that the marking of the rejection elastic expansion on cylinders not yet marked as of the effective date of this rule be marked before the next retest date so that these cylinders need not be removed from service immediately. The MTB agrees and accordingly includes the recommendation in this rule.

Another commenter pointed out that some cylinders manufactured to DOT Special Permit 5967 in the past were incorrectly marked with "DOT 3HT" in addition to "SP 5967". Cylinders made under SP 5967 are not DOT 3HT cylinders and the service life extension provided in this amendment for 3HT cylinders does not apply to SP 5967 cylinders, even if those cylinders are marked as 3HT cylinders. Such cylinders can be identified by the marking "SP 5967" which will appear on the shoulder of the cylinder. Any cylinder so marked, regardless of any other markings that may also appear, is not a DOT 3HT cylinder, and the service life extension provided herein does not apply. This comment is made here to notify shippers, carriers or other users of 3HT cylinders that improperly marked cylinders do exist and must not be confused with DOT 3HT cylinders.

Analysis of this amendment indicates that the cost of regulatory enforcement will not significantly be affected nor will additional costs be imposed on the private sector, consumers or Federal, State or local governments.

In consideration of the foregoing, Parts 173 and 178 of Title 49, Code of Federal Regulations, are amended as follows:

1. In § 173.34 paragraphs (e) (13) (i) and (e) (13) (iii) are revised; paragraph (e) (13) (v) is added to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(e) * * *

(13) * * *

(i) Cylinder shall be subjected, at least once in three years, to a test by hydrostatic pressure in a water jacket, for the determination of the expansion of the cylinder. A cylinder must be condemned if the elastic expansion exceeds the marked rejection elastic expansion.

(iii) A cylinder must be condemned at the termination of a 24-year period following the date of the original test or after 4,380 pressurizations, whichever occurs first. If a cylinder is recharged more than an average of once every other day, an accurate record of the number of rechargings must be maintained by its owner, or his agent.

(v) A cylinder made before January 11, 1978 and not yet marked with a rejection elastic expansion (REE) must be marked with that REE in cubic centimeters near the marked original elastic expansion prior to the next retest date. The REE for a cylinder is 1.05 times its original elastic expansion.

2. In § 178.44, § 178.44-23(a) (4) is revised to read as follows:

§ 178.44 Specification 3HT: inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-23 Marking.

(a) * * *

(4) Rejection elastic expansion (REE) in cubic centimeters (cc) near the date of test. The REE for a cylinder is 1.05 times its original elastic expansion.

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

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

Issued at Washington, D.C., on December 9, 1977.

L. D. SANTMAN,
Acting Director,

Materials Transportation Bureau.

[FR Doc.77-35871 Filed 12-16-77; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1283, Amdt. 1]

PART 1033—CAR SERVICE

Clinchfield Railroad Co. Authorized To Operate Over Tracks of Interstate Railroad Co. and Over Tracks of Louisville and Nashville Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1283).

SUMMARY: Service Order No. 1283 authorizes Clinchfield Railroad Company (CRR) to operate over tracks of the Interstate Railroad Company (INT) between Miller Yard, Virginia, and Dorchester Junction, Virginia, and over tracks of the Louisville and Nashville Railroad Company (L&N) between Dorchester Junction, Virginia, and Norton, Virginia. Because of track rehabilitation, the CRR is unable to deliver cars to the L&N at St. Paul, Virginia, currently. Operation by the CRR over these tracks is necessary to relieve congestion at St. Paul, Virginia, and to contribute to more efficient utilization of freight cars. This amendment extends Service Order No. 1283 for two months.

DATES: Effective 11:59 p.m., December 15, 1977. Expires 11:59 p.m., February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2740.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of December 1977.

Upon further consideration of Service Order No. 1283 (42 FR 57691), and good cause appearing therefor:

It is ordered, That: § 1033.1283 Service Order No. 1283 Clinchfield Railroad Company authorized to operate over tracks of Interstate Railroad Company and over tracks of Louisville and Nashville Railroad Company) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 15, 1977.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-36117 Filed 12-16-77; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 916, 917]

NECTARINES GROWN IN CALIFORNIA; PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Increase in Expenses for the Nectarine Administrative Committee and the Pear, Plum and Peach Commodity Committees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rules.

SUMMARY: This notice invites written comments on proposed increases in expenses for the 1977-78 fiscal year, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering California nectarines, and California pears, plums, and peaches.

DATES: Comments must be received on or before January 3, 1978. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to Hearing Clerk, U.S. Department of Agriculture, room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: The proposals were submitted by the Nectarine Administrative Committee, the Pear Commodity Committee, the Plum Commodity Committee, and the Peach Commodity Committee, established under Marketing Order Nos. 916 and 917 (7 CFR Part 916 and 917), respectively, as the local administrative agencies therefor. The orders regulate handling of fresh nectarines, pears, plums, and peaches grown in California and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposals are that § 916.216 (42 FR 34499); § 917.217 (42 FR 37793); § 917.218 (42 FR 37794); and § 917.219 (42 FR 35827) be amended to read as follows:

MARKETING ORDER 916

§ 916.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee

during the fiscal year March 1, 1977, through February 28, 1978, will amount to \$969,166.

MARKETING ORDER 917

§ 917.217 Pear Commodity Committee expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Pear Commodity Committee during the fiscal period March 1, 1977, through February 28, 1978, will amount to \$590,771.

§ 917.218 Plum Commodity Committee expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Plum Commodity Committee during the fiscal period March 1, 1977, through February 28, 1978, will amount to \$1,063,546.

§ 917.219 Peach Commodity Committee expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Peach Commodity Committee during the fiscal period March 1, 1977, through February 28, 1978, will amount to \$911,000.

Dated: December 14, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc. 77-38095 Filed 12-16-77; 8:45 am]

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, 91]

PROPOSED NOISE AND SONIC BOOM REQUIREMENTS FOR CIVIL SUPER- SONIC AIRPLANES

Public Hearing and Extension of Comment
Period

Correction

In FR Doc. 77-35601, appearing at page 62400 in the issue for Monday, December 12, 1977, in the last line of the first full paragraph of the second column on page 62401, the date which now reads "December 31, 1978", should read "December 31, 1977".

[4910-13]

[14 CFR Part 39]

[Docket No. 77-NE-25]

AIRWORTHINESS DIRECTIVE

Sikorsky Aircraft Model S-61N

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require an electrical wiring change to the landing gear control circuit on Sikorsky Model S-61N rotorcraft. The proposed AD is needed to prevent an electrical short from causing an inadvertent gear retraction.

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

ADDRESS: Send comments on the proposal, in duplicate to: DOT, FAA, New England Region, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 77-NE-25, 12 New England Executive Park, Burlington, Mass. 01803.

The applicable service bulletin may be obtained from: Sikorsky Aircraft, Commercial Customer Service, Stratford, Conn. 06602.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Vavruska, Staff Engineer, Engineering and Manufacturing Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7332.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of inadvertent landing gear retractions on Sikorsky Model S-61N rotorcraft. These retractions have been caused by electrical shorts in the landing gear control circuit. As a result of these occurrences, Sikorsky issued Service Bulletin No. 61B55-40 applicable to in-service rotorcraft and began installing a redesigned landing gear control circuit on production rotorcraft. The redesigned circuit prevents landing gear retractions caused by electrical shorts. The FAA has concluded that the landing gear control circuit on in-service rotorcraft is an unsafe condition that is likely to exist in other rotorcraft of the same type design. Accordingly, an AD is being proposed that would require an electrical wiring change to the landing gear control circuit of Sikorsky Model S-61N rotorcraft in accordance with the aforementioned service bulletin. Accomplishment of this modification will correct the unsafe condition.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Commercial Customer Service, Stratford, Connecticut 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at New England Region.

DRAFTING INFORMATION

The principal authors of this document are Ronald L. Vavruska, Staff Engineer, Flight Standards Division, and George L. Thompson, Attorney, Office of the Regional Counsel, DOT, FAA, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive.

Sikorsky. Applies to Model S-61N rotorcraft prior to and including Sikorsky Serial No. 61805.

Compliance: Required as indicated, unless already accomplished.

To prevent inadvertent landing gear retraction, within the next 300 hours time in service, modify the main landing gear electrical system in accordance with Sikorsky Service Bulletin 61B55-40 or later FAA approved revision.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does

not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts on December 9, 1977.

WILLIAM E. CROSSBY,
Acting Director,
New England Region.

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

[FR Doc. 77-35833 Filed 12-16-77; 8:45 am]

[4110-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Phencyclidine in Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a notice of proposed rulemaking issued by the Administrator of the Drug Enforcement Administration to place the drug phencyclidine into Schedule II of the Controlled Substances Act. This action was initiated upon DEA's receipt of a letter from the Assistant Secretary, Department of Health, Education, and Welfare, requesting this transfer from Schedule III to Schedule II of the act. The effect of this transfer will be to provide more stringent regulatory controls upon the manufacture, distribution, dispensing, importation and exportation of phencyclidine.

DATES: Comments and objections should be received on or before January 18, 1978.

ADDRESS: Send comments and objections in quintuplicate to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION:

On August 29, 1977, the Administrator of DEA requested of the Assistant Secretary for Health, Department of Health, Education, and Welfare a scientific and medical evaluation of DEA's proposed action to move the Schedule III controlled substance phencyclidine to Schedule II.

The Assistant Secretary concurred with DEA's request and submitted a letter dated December 8, 1977, with documents enclosed which listed the factors

he is required to consider under Section 201 of the Act as well as the summarized considerations in furtherance thereof concerning the placement of phencyclidine into Schedule II.

The December 8, 1977 letter to the Assistant Secretary and his summarized considerations are set forth below:

December 8, 1977.

Mr. PETER N. BENSINGER,
Administrator, Drug Enforcement Administration, 1405 "Eye" Street, NW., Washington, D.C.

Dear Mr. BENSINGER: The Drug Enforcement Administration requested on August 29, 1977 that the Department of Health, Education, and Welfare evaluate a proposal to control phencyclidine in Schedule II of the Controlled Substances Act.

The Bureau of Drugs and the Bureau of Veterinary Medicine within the Food and Drug Administration have reviewed the data on phencyclidine and agree with the conclusion of the Drug Enforcement Administration that this compound and its salts should be moved to Schedule II. I concur with the scientific and medical evaluation and recommend that action be initiated to move phencyclidine and its salts from Schedule III to Schedule II of the Controlled Substances Act. A summary of the basis for the recommendation including the medical and scientific findings required under Section 201 of the Controlled Substances Act is enclosed. The National Institute of Drug Abuse has also reviewed the data and recommended that phencyclidine be placed in Schedule I to assure the most stringent controls possible. The only regulatory difference between Schedules I and II relates to the ability of licensed practitioners to use the drug in medical practice. Phencyclidine is not approved for any medical use in humans, but it is a valuable anesthetic in the veterinary care of primates. It is used in zoos and wild animal centers, and to our knowledge, diversion from legitimate users has not been a significant source of supply to the illicit market. Consequently, neither the Food and Drug Administration nor I conclude that placement of phencyclidine in Schedule I is appropriate at this time.

It is my understanding that your staff is gathering data pursuant to the control of analogs of phencyclidine which may have abuse potential similar to phencyclidine. Further, I understand that the immediate precursors of phencyclidine will be considered for control in Schedule II under the provisions of Section 201(e) of the Controlled Substances Act.

Sincerely yours,

JULIUS B. RICHMOND, M.D.,
Assistant Secretary for Health.

Enclosure.

BASIS FOR THE RECOMMENDATION FOR THE CONTROL OF PHENCYCLIDINE UNDER SCHEDULE II OF THE CONTROLLED SUBSTANCES ACT

Phencyclidine is (1(1-phenylcyclohexyl) piperidine) and is also referred to as PCP. It is intended solely for use as a parenteral immobilizing agent in primates, and is an extremely valuable tool for use in laboratory animal medicine. It is considered to have revolutionized the handling of primates (Lumb, W. V., et al, Veterinary Anesthesia, Lea and Febiger 1973). Phencyclidine was originally approved by FDA August 18, 1966 as an immobilizing agent for laboratory primates, raccoons, and a type of wild pig. One month later the sponsor, Parke-Davis Company, deleted the claims such that distribution was restricted to use in primates. The

Parke-Davis Company discontinued marketing of its drug in 1969, but another firm, Phillips-Roxane Company obtained approval for a similar product, under the trade name Sernylan, in July 1969. Phencyclidine appeared as a drug of abuse during the widespread use of drugs for non-therapeutic purposes in the late 60's. Phencyclidine originally masqueraded as various other drugs and was sold as THC, marihuana, LSD or mescaline. It was also used to fortify other drugs. Over the course of the last 10 years, phencyclidine has gained an independent role in the drug-abusing population and has developed a reputation of its own.

In carrying out the review mandated by Sections 201 (b) and (c) of the Controlled Substances Act, the following information was reviewed and considered in reaching our conclusions:

(1) Data gathered by the Drug Enforcement Administration presented in Appendix A.

(2) Additional scientific and medical information relative to the pharmacological effects of phencyclidine and the state of current scientific knowledge regarding the drug included in Appendix B. This material was obtained from the Bureau of Veterinary Medicine files, and

(3) Additional information and reports relative to the current pattern, the scope and significance of the abuse of phencyclidine presented in Appendix C.

In light of evidence presented in Appendices A, B, and C, we have concluded that:

a. Phencyclidine has a high potential for abuse equivalent to that of certain substances in Schedule I of the Controlled Substances Act (e.g., lysergic acid diethylamide).

b. Phencyclidine has accepted use in medical treatment in the United States, and further, that the currently accepted medical use is restricted to the practice of veterinary medicine in primates.

c. Phencyclidine may lead to severe psychological dependence.

d. The abuse of phencyclidine is significant and the drug qualifies for a more stringent control.

Phencyclidine, therefore, meets all of the criteria required under Schedule II of the Controlled Substances Act.

The Drug Enforcement Administration has conducted a review of phencyclidine which has included the following:

1. Published scientific and medical literature from the United States and other nations regarding this drug;

2. Materials on file with the Drug Enforcement Administration, and those provided by the Assistant Secretary;

3. A statement dated December 1, 1977 concerning the abuse of phencyclidine, submitted by Dr. Robert L. DuPont, Director, National Institute on Drug Abuse, which advised of the effects of acute intoxication, overdose, and abuse of PCP, including the characteristic of extreme, severe, long-lasting behavioral toxicity of the drug.

4. The legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available phencyclidine has a high potential for abuse;

2. Phencyclidine has a currently accepted medical use in veterinary treatment in the United States; and

3. Abuse of phencyclidine may lead to severe psychological dependence.

Therefore, under the authority vested in him by the Act and by regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby proposes that §§ 1308.12 (e) and 1308.13 (c) of Title 21 of the Code of Federal Regulations (CFR) be amended to read as follows:

1308.12 Schedule II.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital	2125
(2) Methaqualone	2565
(3) Pentobarbital	2270
(4) Phencyclidine	7471
(5) Secobarbital	2315

1308.13 Schedule III.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:

(i) Amobarbital	2125
(ii) Secobarbital	2315
(iii) Pentobarbital	2270

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(i) Amobarbital	2125
(ii) Secobarbital	2315
(iii) Pentobarbital	2270

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(4) Chlorhexadol	2510
(5) Glutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methpyrrolon	2575
(9) Sulfonethymethane	2600
(10) Sulfonethymethane	2605
(11) Sulfonmethane	2610

All interested persons are invited to submit their comments or objections in

writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative. All such submissions must be received on or before January 18, 1978.

In the event that an interested party submits objections to these proposals which present reasonable grounds for these rules not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail of the time and place that the hearing will be held. If any objections which are submitted do not present reasonable grounds, the party will be so advised by registered mail.

If no objections presenting grounds for a hearing on these proposals are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: December 15, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc. 77-36172 Filed 12-15-77; 12:54 pm]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-1810]

ABATEMENT OF INCOME TAXES OF CERTAIN MEMBERS OF THE ARMED FORCES OF UNITED STATES UPON DEATH

Proposed Rule Making

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed amendment to the regulations relating to the abatement of income taxes of members of the Armed Forces of the United States who die while serving in a combat zone or as a result of wounds, disease, or injury incurred while serving in a combat zone. The proposal conforms the regulations to the per curiam decision of the Supreme Court in "Marcelle v. Estate of Lupia," 348 U.S. 956 (1955), which held the abatement extends to income received by the individual's estate during any remaining portion of the twelve-month period corresponding to the individual's final taxable year. The amendment affects those survivors of a serviceman who receive income that would have been received by the service-

man during the balance of his taxable year had he lived.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 2, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1810), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Fred E. Grundeman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention CC:LR:T), 202-566-6624 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 692 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to the per curiam decision of the Supreme Court in "Marcelle v. Estate of Lupia," 348 U.S. 956 (1955), affirming 214 F. 2d 942 (2d Cir. 1954), and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

PROVISIONS OF THE REGULATIONS

Under section 692(a), if an individual dies while serving as an active member of the Armed Forces of the United States in a combat zone, no income tax is imposed for the taxable year containing the date of his death. Also, no income tax is imposed for any previous taxable year during which he served in a combat zone. Section 1.692-1(a) (1) of the existing regulations provides that the tax liability cancelled under section 692(a) consists of the liability for the taxable year (generally a short taxable year of less than 365 days) ending on the date of a serviceman's death and for any prior taxable year during which he served in a combat zone. That position was based on the general rule that the last taxable year of an individual ends on the date he dies. In "Estate of Lupia," the Supreme Court held that the phrase "taxable year in which falls the date of his death" means the entire taxable year in which death occurs, that is, the 12-month period beginning on the first day of the decedent's taxable year in which falls the date of his death. The proposed amendment contained in this document would conform the regulations to that decision.

The proposed amendment also removes all references to service "during an induction period" because that language was retroactively removed from the statute by the Act of January 2, 1975 (Pub. L. 93-597, 88 Stat. 1953), to reflect the expiration on June 30, 1973, of

the Military Selective Service Act of 1967 (the draft law).

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed amendments, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *FEDERAL REGISTER*.

DRAFTING INFORMATION

The principal author of these proposed amendments was Fred E. Grundeman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the amended regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to the regulations are as follows:

§ 1.692 [Deleted]

PARAGRAPH 1. Section 1.692 is deleted.

PAR. 2. Paragraph (a) of § 1.692-1 is amended to read as follows:

§ 1.692-1 Abatement of income taxes of certain members of the Armed Forces of the United States upon death.

(a) (1) This section applies if—(i) An individual dies while in active service as a member of the Armed Forces of the United States, and

(ii) His death occurs while he is serving in a combat zone (as determined under section 112), or at any place as a result of wounds, disease, or injury incurred while he was serving in a combat zone.

(2) If an individual dies as described in paragraph (a) (1) of this section, the following liabilities for tax, under subtitle A of the Internal Revenue Code of 1954 or under chapter 1 of the Internal Revenue Code of 1939, are canceled:

(i) The liability of the deceased individual, for his last taxable year, ending on the date of his death, and for any prior taxable year ending on or after the first day he served in a combat zone in active service as a member of the U.S. Armed Forces after June 24, 1950, and

(ii) The liability of any other person to the extent the liability is attributable to an amount received after the individual's death (including income in respect of a decedent under section 691) which would have been includible in the individual's gross income for his taxable year in which the date of his death falls (determined as if he had survived).

If the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment will be abated. If the amount of the tax is collected (regardless of the date of collection), the amount so collected will be credited or refunded as an overpayment.

(3) If an individual dies as described in paragraph (a) (1) of this section, there will not be assessed any amount of tax of the individual for taxable years preceding the years specified in paragraph (a) (2) of this section, under subtitle A of the Internal Revenue Code of 1954, chapter 1 of the Internal Revenue Code of 1939, or corresponding provisions of prior revenue laws, remaining unpaid as of the date of death. If any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, the assessments will be abated. If the amount of any such unpaid tax is collected after the date of death, the amount so collected will be credited or refunded as an overpayment.

(4) As to what constitutes active service as a member of the Armed Forces, service in a combat zone, and wounds, disease, or injury incurred while serving in a combat zone, see section 112. As to who are members of the Armed Forces, see section 7701(a) (15). As to the period of time within which any claim for refund must be filed, see sections 6511(a) and 7508(a) (1) (E).

JEROME KURTZ,

Commissioner of Internal Revenue.

[FR Doc. 77-36149 Filed 12-15-77; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 254]

LANDOWNERSHIP; LAND EXCHANGES

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is considering issuing rules which would guide the exchange of National Forest System land or interests in land for non-Federally owned land or interests therein. The purpose of the proposed rules is to set forth general guidelines for the private individual, group, State, or other non-Federal entities to follow in putting together proposed exchanges of real property or interests therein with the U.S. Department of Agriculture.

DATES: Comments must be received on or before February 2, 1978.

ADDRESS: Send comments to: Director of Lands, Forest Service, PO Box 241, Washington, D.C. 20013. All written submissions will be available for public inspection in room 1010, Rosslyn Plaza East, 1621 North Kent Street, Arlington, Va., 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

William E. Johnson, Lands Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 703-235-3686.

SUPPLEMENTARY INFORMATION: Pub. L. 94-579 (90 Stat. 2743; 43 U.S.C. 1715, 1716) and Pub. L. 94-588 (90 Stat. 2949; 16 U.S.C. 1600) amended existing authorities for exchanges of National Forest System lands and interests in lands and provided new authorities and procedures for such exchanges. At this time, there are no rules in Chapter II, Title 36, of the Code of Federal Regulations to guide such exchange except in 36 CFR 251 pertaining to reservations in conveyances to the United States.

The Department of Agriculture has determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

NOTE:—The Department of Agriculture has determined that there is no need to prepare an Economic Impact Statement to meet the requirements of Executive Order 11949 and OMB Circular A-107.

For the stated reasons, it is proposed to issue the following new part to Chapter II, Title 36 CFR:

PART 254—LANDOWNERSHIP

Subpart A—Land Exchanges

Sec.	
254.1	Requirements.
254.2	Authority.
254.3	Definitions.
254.4	Procedures.
254.5	Initiating an exchange.
254.6	Legal description of properties.
254.7	Appraisal.
254.8	Publication of proposed exchange.
254.9	Conditions imposed by other regulations and Executive Orders.
254.10	Approval.
254.11	Land exchange agreement.
254.12	Conveyance documents.
254.13	Title evidence.
254.14	Title approval.
254.15	Taxes, liens and encumbrances.

AUTHORITY: Act of March 20, 1922, as amended (16 U.S.C. 485, 490); Act of March 1, 1911, as amended (16 U.S.C. 1600); Act of July 22, 1937, as amended (7 U.S.C. 1011); Act of October 23, 1962 (16 U.S.C. 555a); Act of October 21, 1976 (43 U.S.C. 1715, 1716); and other applicable laws.

§ 254.1 Requirements.

(a) To alleviate land management problems created by a complex land-ownership pattern of intermingled National Forest System and other lands, Congress provided the Secretary of Agriculture with broad exchange authorities to make adjustments with non-Federal owners. Land exchanges are discretionary, voluntary real estate transactions between the Secretary of Agriculture acting by and through the Forest Service, private owners, States, and other non-Federal entities. These transactions may involve the exchange of all or part of the real property rights.

(b) These rules are applicable to all National Forest System exchanges, ex-

cept exchanges under the authority of the Alaska Native Claims Settlement Act, as amended (89 Stat. 1156) and as otherwise noted. Each exchange authority has specific, as well as general, requirements which must be met.

(1) **General requirements.** (i) Conveyance of any National Forest System lands, or interests therein, can only be to a person who is a citizen of the United States or a corporation that is subject to the laws of any State or the United States.

(ii) An exchange of land, or interests therein, must be equal in fair market value. A cash payment up to 25 percent of the market value of the involved National Forest System lands, or interests therein, may be paid by either party to equalize the transaction. The amount of the cash equalization payment is not limited in exchanges pursuant to the Exchange for Schools Act of December 14, 1967 (81 Stat. 531).

(iii) A land exchange transaction must be within the same State except where otherwise authorized by law.

(iv) Reservations by the non-Federal owner must be subject to the appropriate Rules and Regulations of the Secretary of Agriculture for such reserved rights, except upon special waiver by the Secretary of Agriculture in case of States.

(2) Specific requirements are the individual requirements found in each law authorizing exchanges.

§ 254.2 Authority.

The Forest Service has a number of legal authorities under which exchanges may be made. The specific authority to be used to complete an exchange is usually controlled by the ownership status of the National Forest System lands. There is no authority for the Forest Service to exchange those public domain lands that were withdrawn for use as administrative sites only.

§ 254.3 Definitions.

(a) National Forest System is defined in the Act of August 17, 1974 (88 Stat. 480, 16 U.S.C. 1 09), as including "... all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchases, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system."

(b) A land exchange agreement is a document that identifies the estate to be exchanged, all reservations and outstanding rights, any necessary cash equalization and all other terms and conditions which each party is obligated to perform.

(c) A reservation is created by the grantor (landowner) by a clause in a deed or other instrument of conveyance by which the grantor reserves to himself

some right, interest, or profit in the estate granted. It is first created by the instrument reserving it, such as an easement.

(d) An outstanding interest in land exists as the result of a reservation created by an owner (grantor) previous to the present owners; as such, it is a separate and distinct partial title interest from the title interest of the present owner. It may also exist as the result of a grant of a partial title interest by the present or a previous owner.

The phrase "outstanding in third parties" is sometimes used to show that an outstanding interest in land is owned by someone in the chain of title other than the present landowner.

(e) An interest in land, as used in this regulation, means a partial title interest that is severable as a distinct property right versus full fee ownership of the land; for example, rights to oil and gas production, an easement, or a right to cut timber for a specified period of time.

(f) Equal value exchange means an exchange of real property, or interest therein, where fair market value appraisals show an equal value received by each party to the exchange.

(g) Cash equalization means that any value difference shall be equalized by a cash payment and may be paid by either party. Cash payment by either party cannot exceed 25 percent of the value of the involved National Forest System land (exception: Act of December 14, 1967; 81 Stat. 531).

§ 254.4 Procedures.

Formal procedures for exchanging land are outlined in these rules. Specific details are contained in Title 5400 of the Forest Service Manual.

§ 254.5 Initiating an exchange.

Land exchange proposals may be initiated by a private landowner, a non-Federal public agency, or the Forest Service. When an exchange proposal is made to the Forest Service, it should be made directly to the District Ranger or, in some instances, to the Forest Supervisor.

The party initiating an exchange should set forth the proposal in writing, including, in the case of the non-Federal owner, a statement of ownership or other right to make such an exchange. Permission should be clearly granted by each party to examine the lands of the other.

§ 254.6 Legal description of properties.

The lands or interests in lands proposed for exchange must be properly described and locatable under the survey laws and standards of the United States and/or State. The lands may be described as part of a surveyed section or by metes and bounds survey. Any survey required is the responsibility of each owner unless otherwise negotiated.

§ 254.7 Appraisal.

The United States follows appraisal principles set forth in the Department of Justice publication titled "Uniform Appraisal Standards for Federal Land

Acquisitions." Final determination of value of lands or interests proposed for exchange by either party rests with the Secretary of Agriculture who has delegated this authority to the Chief, Forest Service.

§ 254.8 Publication of proposed exchange.

A Land Exchange Notice will be published for all proposed exchanges once a week for four consecutive weeks in a newspaper(s) of general circulation in the area in which the lands or interests in land proposed for exchange are located. The purpose of this Notice is to advise the public of the exchange proposal. This will allow anyone having a claim to these lands or interests in land to notify the appropriate Forest Service officer and present evidence supporting their claim. It also affords opportunity for objections to be submitted to the Forest Service. All objections must be in writing and postmarked or delivered within 15 days of the final publication.

§ 254.9 Conditions imposed by other regulations and Executive Orders.

A land exchange proposal must be in compliance with laws, regulations, and Executive Orders in effect while the exchange is being completed. Some of these concern: Evaluation of flood hazard, rare and endangered plant and wildlife species, historical and archaeological values, and requirements of the National Environmental Policy Act.

§ 254.10 Approval.

After preliminary negotiations which result in concurrence on an exchange proposal, the Forest Service will determine whether an environmental impact statement will be filed as provided in section 102 (2) (C) of the National Environmental Policy Act of 1969 (83 Stat. 853). Objections received in response to the Land Exchange Notice in § 254.8 will be considered in making this determination. When an environmental impact statement need not be filed, the Forest Service will notify the non-Federal exchange party and anyone who filed written objections of the decision whether the Forest Service plans to proceed with the exchange. Where an environmental impact statement is filed, objections received in response to the Land Exchange Notice will be considered in the statement. The decision on the exchange proposal will be sent to those who filed objections and to the non-Federal exchange party. Rights of appeal pursuant to the Secretary of Agriculture Appeal Regulations (36 CFR 211.19, 36 CFR 292.15(1)) are applicable to the decisions.

§ 254.11 Land exchange agreement.

An exchange agreement may be entered into between the Forest Service and the non-Federal landowner.

§ 254.12 Conveyance documents.

The deed to the United States must be in a form that complies with the De-

partment of Justice "Standards for the Preparation of Title Evidence in Land Acquisition by the United States." Conveyances from the United States will be either a Quitclaim Deed from the Department of Agriculture or a Patent issued by the Department of the Interior. The type of document will depend on the ownership status of the National Forest System land or interest in land.

§ 254.13 Title evidence.

Evidence of title of land or interests being conveyed to the United States must be in a form acceptable to the Department of Justice, as described in the "Standards for the Preparation of Title Evidence in Land Acquisition by the United States." The non-Federal landowner initiating an exchange proposal will usually bear the cost of the required title evidence. The Forest Service may pay the cost of title evidence when it is in the interest of the United States and provided for in the Exchange Agreement. The United States does not furnish formal title evidence to its land.

§ 254.14 Title approval.

Title to lands being conveyed to the United States will be approved by the Office of the General Counsel of the Department of Agriculture.

§ 254.15 Taxes, liens and encumbrances.

Taxes, liens and other encumbrances such as mortgages, deeds of trust and judgments must be eliminated or released in accordance with the requirements of the title opinion of the Office of the General Counsel.

RICHARD L. DUESTERHAUS,
Acting Deputy
Assistant Secretary.

DECEMBER 14, 1977.

[FR Doc. 77-36092 Filed 12-16-77; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

STERILIZATION

Public Meeting

CROSS REFERENCE: For a document announcing a meeting on January 17, 1978, to consider proposed rules on restrictions applicable to sterilizations funded by the Department of Health, Education, and Welfare, see FR Doc. 77-36298 appearing on this page under Health Care Financing Administration (HEW).

[4110-35]

Health Care Financing Administration

[42 CFR Part 50]

[45 CFR Part 205]

STERILIZATION

Public Meeting

AGENCIES: Health Care Financing Administration, Public Health Service, De-

partment of Health, Education, and Welfare.

ACTION: Notice of Public Meeting.

SUMMARY: The Administrator of the Health Care Financing Administration (HCFA) and the Assistant Secretary for Health with the approval of the Secretary of Health, Education, and Welfare have issued proposed rules governing sterilizations funded by the Department in 42 FR 62718 December 13, 1977. These proposed rules would revise existing rules at 45 CFR 205.34 and 42 CFR 50.201-204. The Department will hold a public meeting to discuss this proposal. The oral and written comments will be considered in the drafting of the final regulations.

DATES: The meeting will be held on January 17, 1978 from 9:00 a.m. to 5:00 p.m. Requests to make oral presentation at the meeting must be received by January 6, 1978. Three copies of the statement to be presented at the meeting should be received by January 12, 1978.

ADDRESSES: The meeting will be held in the Auditorium of the North Building of the Department of Health, Education, and Welfare, 330 Independence Ave., SW., Washington, D.C. 20201.

Those persons wishing to present statements at the meeting should apply in writing and send three copies of their statements to Marilyn Martin, Room 722-H Hubert Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, or to Kay Appleman, Medicaid Bureau, H.C.F.A., 330 C Street SW., Washington, D.C. 20201. See Supplementary information for content of the requests.

For those persons who cannot participate at the meeting, written comments may be submitted to the above addresses. In addition there will be regional meetings around the country which will be announced at a later date.

FOR FURTHER INFORMATION CONTACT:

Marilyn Martin, Public Health Service, Department of Health, Education, and Welfare, Room 722-H, Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-7581.

Kay Appleman, Medicaid Bureau, Health Care Financing Administration, Department of Health, Education, and Welfare, Switzer Bldg., 330 C Street SW., Washington, D.C. 20201, 202-245-0701.

SUPPLEMENTARY INFORMATION: This meeting is being held to solicit views

and experiences of individuals and organizations with respect to the issues contained in the notice of proposed rule-making governing Federally funded sterilizations at 42 FR 62718 December 13, 1977. In addition the Department solicits any evidence, case histories, research or studies relating to sterilization abuse or hardship imposed by the unavailability of sterilizations. The major issues which the Department would like participants to address include:

1. The appropriateness of defining sterilization in the proposed rules as "any medical procedure or operation for the purpose of rendering an individual permanently incapable of reproducing."

2. The appropriateness of prohibiting Federal funding where hysterectomy is used solely as a method of family planning. In particular comments are solicited on whether there are circumstances where it is generally considered that hysterectomy is the appropriate method of sterilization.

3. The appropriateness of a 30 day waiting period between giving consent and performing the sterilization.

4. The effectiveness of the consent procedures contained in the proposed rules for assuring that the patient understands the nature and consequences of sterilization and voluntarily consents to its performance.

5. The appropriateness of establishing 21 as the minimum age for Federally funded sterilizations.

6. The appropriateness of prohibiting Federal funding of sterilizations for any person mentally incompetent under law or in fact without regard to their capacity to give informed consent to the sterilization.

7. The appropriateness of funding sterilizations of people who are mentally incompetent but who, nevertheless, have the capacity to understand the nature and consequences of sterilization and to consent voluntarily to its performance.

8. The effectiveness of procedures in the proposed rules designed to ensure that mental incompetents are not sterilized without their informed consent.

9. The appropriateness of prohibiting Federal funding of sterilizations of mental incompetents incapable of giving informed consent to be sterilized.

10. The appropriateness of extending special procedures to the sterilization of institutionalized people.

11. The extent to which the proposed rules taken as a whole achieve the twin objectives of (1) permitting access to sterilizations and (2) controlling sterilization abuse.

12. The appropriateness and effectiveness of requiring that for all Fed-

erally funded hysterectomies the patient must be informed that the hysterectomy will render her permanently incapable of reproducing.

Requests to present statements at the meeting should include the name, address and telephone number of the participant and organizations represented, if any, as well as the issues upon which the person wishes to be heard. In the event that time does not permit all interested persons to make oral presentations, persons will be selected to assure that all points of view are fairly represented. Each person will be given ten minutes to present a statement. Each participant will also have an opportunity to submit a written statement and other data for the record.

The hearing will be conducted in an informal manner and will be chaired by Dr. Julius Richmond, Assistant Secretary for Health, and Robert Derzon, Administrator, Health Care Financing Administration.

Dated: December 15, 1977.

Dr. JULIUS RICHMOND,
Assistant Secretary for Health.

ROBERT DERZON,
Administrator, Health
Care Financing Administration.

[FR Doc.77-36298 Filed 12-16-77; 11:24 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Notice of Meeting

A meeting of the Washington Subgroup of the Pacific Crest National Scenic Trail Advisory Council will be held at 7 p.m., January 18, 1978, in the Conference Room, Forest Supervisor's Office, Mt. Baker-Snoqualmie National Forest, 1501 Second Avenue Building, Seattle, Wash. 98101.

Agenda items include a review of action taken at the August Council meeting to determine the necessary followup, preparation of plans for the 1978 Council meeting and discussion of management problems along the Pacific Crest National Scenic Trail.

The meeting will be open to the public. Persons who wish to attend should notify Donald A. Warmon, c/o Regional Forester, P.O. Box 3623, Portland, Ore. 97208, 503-221-3644. Written statement may be filed with the Subgroup before or after the meeting.

Dated: December 13, 1977.

J. W. DEINEMA,
Deputy Chief.

[FR Doc. 77-36087 Filed 12-16-77; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31117]

CLUB MED, INC., FOREIGN AIR CARRIER PERMIT

Notice of Postponement of Hearing

By notice of November 17, 1977 (42 FR 59993, November 23, 1977) a prehearing conference and hearing were assigned to be held at the offices of the Board on December 20, 1977. On December 13, Counsel for the Bureau of Operating Rights filed an objection to holding the hearing immediately after the conclusion of the prehearing conference, and requested that the hearing be rescheduled to some early date thereafter. Counsel for the applicant indicated that he would not object to a modest delay in the proceeding.

Upon consideration of the matters contained in the request, the hearing

in this proceeding is postponed from December 20, 1977, to January 5, 1978, at 10 a.m. (local time), in room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 13, 1977.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 77-36086 Filed 12-16-77; 8:45 am]

[6320-01]

[Docket No. 31366]

DANZAS AG (SWITZERLAND), D.B.A. ALL- AIRTRANSPORT INC. (U.S.A.)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 3, 1978, at 9:30 a.m. (local time), in room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 28, 1977.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., December 13, 1977.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 77-36124 Filed 12-16-77; 8:45 am]

[6320-01]

[Docket Nos. 28981; 29015; Order 77-12-65]

HUGHES AIRWEST AND WESTERN AIR LINES

Order Consolidating and Setting Applications for Hearing in Accordance With Subpart M Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of December 1977.

On March 12, 1976, Hughes Airwest filed an application, under subpart M of part 302 of the Board's procedural regulations, requesting an amendment of its certificate of public convenience

and necessity for route 97 to permit nonstop operations between: Fresno, Calif., and Portland, Ore.; Fresno and Seattle/Tacoma, Wash.; Sacramento, Calif., and Phoenix, Ariz.; Sacramento and Portland, Ore.; and Sacramento and Seattle/Tacoma. Airwest currently holds on-segment one-stop authority in all of these markets, except Sacramento-Seattle, in which it has two-stop authority. By order 76-9-111, September 21, 1976, the Board found that Airwest's application should be processed for three markets: Fresno-Portland, Sacramento-Phoenix, and Sacramento-Seattle. In addition, the Board required Airwest to file an amended application. Airwest did so on December 20, 1976.

On January 21, 1977, Western filed a motion to consolidate with Airwest's amended subpart M application the portion of its application in docket 29015 which requests Sacramento-Seattle/Tacoma nonstop authority.

Answers in support of Airwest's amended application were filed by the Arizona Department of Transportation, the City of Phoenix, Ariz., and Portland parties, the Puget Sound Traffic Association, the Ontario Chamber of Commerce, and the County of Sacramento, Calif. The Tucson Airport Authority filed a petition to intervene.*

Answers in opposition to Airwest's amended subpart M application were filed by United Air Lines and Western Air Lines. United argues that Airwest's financial forecast is unreliable because it understates diversion and overstates stimulation and participation, and also fails to account for competitive reactions by trunk carriers in several of the markets in which it projects traffic. United contends that a full subpart A hearing is necessary to process Airwest's application. Western takes no position on the grant of nonstop Sacramento-Phoenix or Fresno-Portland authority to Airwest, but does contend that Western, rather than Airwest, should receive Sacramento-Seattle nonstop authority. Western requests that Airwest's amended application be set for hearing and that Western's application in docket 29015 for

*The City of Portland, Ore., the Portland Chamber of Commerce, the Portland Freight Traffic Association and the Port of Portland.

*We will grant Tucson's petition.

Sacramento-Seattle authority be consolidated with Airwest's application.

On February 15, 1977, Airwest filed a consolidated reply to the answers of United and Western. Western filed a reply to answers by United, the City of Phoenix, and the County of Sacramento to Airwest's application.

Answers in support of Western's motion to consolidate were filed by the Ontario Chamber of Commerce and the County of Sacramento.

United filed an answer in opposition to Western's motion, in which it alleges that Western is mistaken in projecting an operating profit because it has failed to account for the cost of its Ontario-Sacramento flight and has relied on overly optimistic passenger and revenue forecasts.

Western filed a reply to United's answer.*

We have decided to set Airwest's amended application for hearing under the procedures prescribed by Subpart M and to consolidate Western's application in docket 29015 with Airwest's amended application in docket 28981.

Finally, Airwest and Western have not submitted sufficient information for us to determine the environmental consequences of their applications. Therefore, we will require both of them to file the information set forth in part 312 of the Board's procedural regulations within 30 days of the date of the adoption of this order.

Accordingly, it is ordered, That: 1. The amended application of Hughes Airwest, Inc., in docket 28981, be set down for hearing before an administrative law judge of the Board at a time and place to be hereafter designated, as the orderly administration of the Board's docket permits;

2. The motion of Western Air Lines, Inc., to consolidate its application in docket 29015 with Hughes Airwest's application in docket 28981 be granted;

3. The petition of the Tucson Airport Authority for leave to intervene be granted; and

4. Hughes Airwest and Western Air Lines shall each file environmental evaluations pursuant to § 312.12 of the Board's procedural regulations within 30 days from the date of adoption of this order.

This order shall be published in the **FEDERAL REGISTER**.*

*In the same document, Western replied to Airwest's arguments against awarding it Sacramento-Seattle authority. Airwest's arguments, however, are part of its reply of February 15, 1977, to Western's answer, and not an answer in opposition to Western's motion to consolidate. Western, therefore, has filed a reply to a reply, which is contrary to rule 6(b) of the Board's procedural regulations. In the interests of as full a subpart M record as possible and in the absence of any opposition to Western's reply on procedural grounds, however, we will accept the pleading.

*All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-36126 Filed 12-16-77; 8:45 am]

[6320-01]

[Docket No. 31454]

LINEAS AEREAS NACIONALES, S.A. de C.V.

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Thomas P. Sheehan. Future communications should be addressed to Judge Sheehan.

Dated at Washington, D.C., December 13, 1977.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 77-36125 Filed 12-16-77; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due notice having been published on November 7, 1977 (42 FR 57982), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Report forms, in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required for all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS
Broadwoven goods, narrow fabrics, yarn production.

MAJOR GROUP 23—APPAREL AND OTHER PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens; apparel; brassieres, corsets, and allied garments.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood, softwood plywood, lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid; industrial gases; inorganic chemicals; pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber, plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY AND GLASS

Consumer, scientific, technical, and industrial glassware; fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products, insulated wire and cable, magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel, forgings, steel power boilers, heating and cooking equipment, metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines; tractors; farm machines and equipment; mining machinery and equipment; refrigeration and air-conditioning equipment, including warm air furnaces; office, computing, and accounting machines; pumps and compressors; selected industrial air pollution control equipment; construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs; motors and generators; wiring devices and supplies; switchgear, switchboard apparatus, relays, and industrial controls; selected electronic and associated products, including telephone and telegraph apparatus; electric housewares and fans; electric lighting fixtures; major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products, atomic energy products and services.

The following survey represents an annual supplement of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected in the more frequent surveys.

MAJOR GROUP 32—STONE, CLAY, AND GLASS
Glass containers.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Finishing plant report—broadwoven fabrics; consumption of wool and other fibers, and production of tops and nolls; carpet and rugs; knit fabrics production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Sheets, pillowcases, and towels.

MAJOR GROUP 25—FURNITURE AND FIXTURES
Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials; paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PRODUCTS

Plastic bottles.

MAJOR GROUP 32—STONE, CLAY, AND GLASS
Flat glass, glass containers, refractories, clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings, iron and steel foundries, steel inventories (consumers and producers reports), copper inventories.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures, steel shipping drums, and pails, closures for containers.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines; complete aircraft; backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts; truck trailers.

The annual survey of manufactures will be conducted jointly with the quinquennial census of manufactures and will call for general statistical data such as employment, payroll, manhours, capital expenditures, cost of materials consumed, gross book value of fixed assets, retirements, depreciation, rental payments, supplemental labor costs, value of products exported, etc., in addition to information on the quantity of fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A supplement to the annual survey of manufactures will collect annual sales and unfilled orders data for multi-establishment companies.

A survey of research and development costs will be conducted also. The major data to be obtained will include total research and development costs of work performed by the company, distributed by source of funds, type of expenditures, product field, and of research and geographic State where the research is performed. Data will also be obtained on the number of scientists and engineers employed and, for comparative purposes, total net sales and receipts, and total employment of the company.

A survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The annual survey of oil and gas will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and revenues; drilling; and assets in the crude petroleum and natural gas industry.

The annual survey on pollution abatement expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current operating costs

and capital expenditures made by industry to reduce pollution in its air, water or solid forms. It will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The survey of plant capacity will call for general statistical data such as number of shifts, or the number of production workers for actual, preferred and practical operating rates, as well as direct information on the operation rates, the reasons for operating at less than capacity, and the length of time required to reach and to maintain practical rates. The survey will be done on a sample basis and cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 13, 1977.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 77-36134 Filed 12-16-77; 8:45 am]

[3510-25]

Foreign-Trade Zones Board

[Docket No. 14-77]

APPLICATION FOR EXPANSION OF FOREIGN-TRADE ZONE NO. 25, BROWARD COUNTY, FLA.

Notice is hereby given that the Port Everglades Authority (the Port), Port Everglades, Fla., Grantee of Foreign-Trade Zone No. 25, has applied to the Foreign-Trade Zones Board (the Board) requesting authority to expand the recently approved zone in Broward County with the addition of 51.7 acres of contiguous Port-owned land. The Application was formally filed by the Board on December 9, 1977. The present zone and the requested expansion area are entirely within the Port Everglades Customs port of entry.

The Port Everglades zone was authorized by the Board on December 27, 1976 (Board Order No. 113). It covers 30 acres within an industrial park area on Port property, 2 miles east of the Fort Lauderdale/Hollywood International Airport and 1 mile from the Port's harbor facilities. Warehouse-type facilities are now under construction on the site, with completion slated for July 1978. Meanwhile, the Port is providing zone services at a nearby warehouse facility approved by the Board as a temporary foreign-trade zone site on July 19, 1977 (Board Order No. 120). This building is already completely leased, and space in

excess of what is under construction on the permanent site has been requested by interested users. Of the present zone area, 15 acres are being reserved for firms wishing to construct their own facilities, and are expected to be fully occupied by the end of 1978.

The application for expansion requests zone status for a 51.7 acre tract of land owned by the Port and located contiguous to the southern boundary of the existing zone. The Port states that this additional zone acreage is needed for planning and development to meet the needs of new prospects in the immediate future. Among the prospective tenants are firms which would use the zone for assembly, exhibition, inspection, light manufacturing or warehousing, involving the following products: blankets, electronic devices, hardware, rubber, sailboats, specialty hardwood, watches, and wine.

Copies of the Port's application for expansion are available for inspection at the following locations.

U.S. Department of Commerce District Office, room 821, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130.

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

In accordance with the Board's regulations an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan, Chairman, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; James R. Cahill, Director, Inspection and Control Division, U.S. Customs Service, Region IV, 7370 N.W. 36th Street, Miami, Fla. 33166; and Colonel Donald A. Wisdom, District Engineer, U.S. Army Engineer District, Jacksonville, P.O. Box 4970, Jacksonville, Fla. 32201.

Comments concerning the proposed expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the above address and postmarked on or before December 30, 1977.

Dated: December 12, 1977.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

(FR Doc. 77-36065 Filed 12-16-77; 8:45 am)

[3510-12]

National Oceanic and Atmospheric
Administration

FRANCIS L. VINCENT

Notice of Receipt of Application for Certificate
of Exemption

Notice is hereby given that the following applicant has applied in due

and timely form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Francis L. Vincent, d.b.a. Vincent Associates, P.O. Box 294, 727 High Street, Westwood, Mass. 02090.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibitions, as set forth in section 9(a)(1)(E) of the act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity any such species part; (ii) The prohibitions, as set forth in section 9(a)(1)(F) of the act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. A total of approximately 2,334 finished scrimshaw products consisting of 2,008 jewelry items, 173 etched whale teeth, 15 etched pieces of whale teeth, 91 items carved from whale teeth, 43 items carved from whale bone and 4 etched pieces of whale bone.

Written comments on this application may be submitted to the Enforcement Division, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before January 18, 1978.

Dated: December 13, 1977.

ROLAND FINCH,
Acting Deputy Assistant Director,
for Fisheries Management.

(FR Doc. 77-36128 Filed 12-16-77; 8:45 am)

[3128-01]

DEPARTMENT OF ENERGY

Office of Intergovernmental and Institutional
Relations

SOLAR WORKING GROUP

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Solar Working Group will hold a meeting on January 11 and 12, 1978, from 9 a.m. to 5 p.m. each day in room 4222C, 20 Massachusetts Avenue NW., Washington, D.C.

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

The purpose of the meeting is for the Working Group to discuss its

report on the present and projected levels of effort in the technologies for the solar program.

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

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

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

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

WILLIAM S. HEFFELFINGER,
Director of Administration.

(FR Doc. 77-36068 Filed 12-16-77; 8:45 am)

[6740-02]

Federal Energy Regulatory Commission
(Docket No. ER78-77)

ALABAMA POWER CO.

Notice of Filing

DECEMBER 14, 1977.

Take notice that Alabama Power Co. (Alabama), on December 1, 1977, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1. The Company states that the proposed changes would increase revenues from jurisdictional sales and service by \$18,375,860 based on the calendar year 1978. The Company is proposing that the increase become effective in two steps with the first step representing one-half of the total increase proposed to be effective on January 1, 1978. The Company proposes the second step to become effective on December 1, 1978, and the Company therefore requests waiver of the Commission's notice requirements.

The Company estimates its rate of return on its rate base from its sales to distribution cooperatives and municipalities in the calendar year 1978 to be (i) 4.83 percent from its sales to mu-

municipalities, and (ii) 5.57 percent from its sales to rural electric cooperatives under existing rates. The Company states that such rates of return are far below its embedded cost of debt and are inadequate to attract capital required by the Company.

According to the Company copies of the filing were served upon the affected distribution cooperatives and municipalities, Alabama Public Service Commission and Southeastern Power Administration.

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 December 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-36108 Filed 12-16-77; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1300]

IPEKTCI INTERNATIONAL

Order of Revocation

On December 2, 1977, Saleh Ipektchi d.b.a. Ipektchi International, 79-10 Elks Road, Elmhurst, N.Y. 11373, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1300 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1300 issued to Saleh Ipektchi d.b.a. Ipektchi International, be and is hereby revoked effective December 2, 1977, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Saleh Ipektchi d.b.a. Ipektchi International.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc. 77-36133 Filed 12-16-77; 8:45 am]

[6730-01]

[Docket No. 77-60; Agreement No. 5700-26
(Modification of a Conference Agreement)]

NEW YORK FREIGHT BUREAU AGREEMENT

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an Agreement entered into by the member lines of the New York Freight Bureau has been filed for approval and assigned Federal Maritime Commission No. 5700-26. The Agreement would extend the intermodal authority of the New York Freight Bureau, as set forth in Article 6 of the Conference Agreement, for an unlimited period beyond the recent expiration date of April 21, 1977. Additionally, Agreement No. 5700-26 would amend Article 6 to remove the requirement that its superseding intermodal tariff shall have rates, terms and conditions of carriage comparable to those of its member lines' intermodal tariffs.

Section 15 of the act requires the Commission to disapprove any agreement which it finds to be unjustly discriminatory or unfair, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act.

Because Agreement No. 5700-26 provides for the fixing of rates, it is per se violative of the U.S. antitrust laws and, as such, is contrary to the public interest, unless justified.

In order to justify the Agreement, proponents must demonstrate that the Agreement is required by a serious transportation need, or is necessary to secure important public benefits or is in furtherance of a valid regulatory purpose of the Shipping Act, 1916, or is otherwise in the public interest. The Commission is required to disapprove Agreement No. 5700-26 unless there is substantial evidence before the Commission to support a finding that the Agreement is justified. *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238, 240 (1968).

The New York Freight Bureau was initially granted intermodal authority to establish point-to-point, point-to-port and port-to-point, through and joint rates on January 23, 1973. Thereafter, said authority was extended on four separate occasions. During the intervening 4 years in which the New York Freight Bureau had authority to file an intermodal tariff, an interior point joint rate tariff had never been filed.

The Chairman of the New York Freight Bureau submitted an affidavit in support of an indefinite extension of the Conference's intermodal authority.

Upon consideration of the affidavit, the Commission found that proponents had failed to justify the continu-

ation of their intermodal authority. Consequently, the Commission issued an Order of Conditional Disapproval of Agreement No. 5700-26 wherein the Commission stated that the Agreement was disapproved effective July 6, 1977 unless, on or before July 5, 1977 proponents should file with the Acting Secretary of the Federal Maritime Commission, a request for hearing.

By letter dated July 5, 1977, counsel for New York Freight Bureau requested a hearing stating in part:

The proponents do not visualize the need for a trial-type evidentiary hearing but rather would deem appropriate the submission of verified statements, statistical data, Bureau resolutions, intermodal tariff exhibits and written argument based thereon. The taking of oral testimony is not regarded as essential to show the approvability of this Agreement and, consequently, it is not requested.

In view of this request, the Commission believes that an investigation and hearing should be ordered.

Now, therefore, *it is ordered*, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing is hereby commenced in order to determine whether Agreement No. 5700-26 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, or to be contrary to the public interest or to be in violation of the Shipping Act, 1916;

It is further ordered, That the New York Freight Bureau and its member lines are hereby made proponents in this proceeding;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto pursuant to the following schedule:

By the close of business January 28, 1978, affidavits of fact and memoranda of law shall be filed by proponents and served upon parties.

By the close of business February 18, 1978, reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any.

By the close of business February 25, 1978, all parties must file requests for evidentiary hearing and/or discovery, which requests must be accompanied by a statement setting forth in detail the facts to be proven or developed, their relevance to the issues in this proceeding, and why such proof cannot be submitted through further affidavit.

Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission;

It is further ordered, That a notice of the Order be published in the FEDERAL REGISTER and that a copy thereof be

served upon proponents as listed in the Appendix hereto;

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business on January 14, 1978.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

D. Dick, Chairman/Secretary, New York Freight Bureau, P. & O. Building, 16th Floor, 77 Des Voeux Road Central, Hong Kong, B.C.C.

Charles F. Warren, Esq., George A. Quadri, Esq., John E. Ormond, Jr., Esq., Law Offices of Charles F. Warren, Attorneys for the parties to Agreement No. 5700-26, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Japan Line, Ltd., Japan Line (New York) Ltd., General Agents, One World Trade Center, suite 2867, New York, N.Y. 10048.
Mitsui O.S.K. Lines, Ltd., One World Trade Center, suite 2211, New York, N.Y. 10048.
Nippon Yusen Kaisha, One World Trade Center, suite 5031, New York, N.Y. 10048.
Yamashita-Shinnihon Steamship Co., Ltd., c/o TIT Ship Agencies, Inc., General Agents, 71 Broadway, New York, N.Y. 10006.

[FR Doc. 77-36132 Filed 12-16-77; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1335]

ROYAL SALES & SHIPPING

Order of Revocation

By letter dated November 2, 1977, Ruben N. Dario, d.b.a. Royal Sales & Shipping, 1028 South Crocker Street, Los Angeles, Calif. 90021, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1335 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 30, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked

or suspended for failure of a licensee to maintain a valid bond on file. Ruben Dario, d.b.a. Royal Sales & Shipping has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 1335 issued to Ruben Dario, d.b.a. Royal Sales & Shipping, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1335 be and is hereby revoked effective November 30, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ruben Dario, d.b.a. Royal Sales & Shipping.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc. 77-36130 Filed 12-16-77; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 946]

TRANSCONTINENTAL EXPORT FORWARDING CO., INC.

Order of Revocation

On December 5, 1977, Mr. H. Carreras, Vice President, Transcontinental Export Forwarding Co., Inc., P.O. Box 1128, Ansonia Station, New York, N.Y. 10023, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 946 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 946 issued to Transcontinental Export Forwarding Co., Inc., be and is hereby revoked effective December 5, 1977 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon H. Carreras, Vice President, Transcontinental Export Forwarding Co., Inc.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc. 77-36129 Filed 12-16-77; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certifi-

cates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet det Ostasiatiske Kompagni: Boribana.
01092	Thor Dahlia Hvalfangerselskap A/S: Thors River.
01126	Compagnie de Navigation Fruitiere: Matouba.
01185	Akafeselskabet Kosmos: Jarena.
01267	Agdesidens Rederi A/S, Morlands Rederi A/S, Morland Shipping Co. A/S, Morlands Tankrederi A/S: Tromsaa.
01330	Shell Tankers (U.K.) Ltd.: Hemitrochus.
01354	H. E. Hansen-Tangen: Sunara.
01423	Charente Steamship Co. Ltd.: Novelist.
01425	Johnston Warren Lines Ltd.: Cufic.
01453	Alden Shipping Co. Ltd.: Shropshire.
01465	Scottish Ship Management Ltd.: Baron Dunmore.
01508	Kirk B Co. Ltd.: Kirk B.
01656	Compania Ionian de Navegacion, S.A.: Maria.
02046	Marverna Compania Naviera S.A.: Almar.
02195	Welsh Ore Carriers Ltd.: Welsh Herald.
02198	Peninsular & Oriental Steam Navigation Co.: Strathleven.
02242	Dal Deutsche Afrika-Linien G.m.b.H. & Co.: Woermann Nyenga.
02306	Erling H. Samuelsen Rederi A/S: Aimee.
02317	Orgens Larsen A/S: Bonita, Golar Girl.
02449	A/S Ivarans Rederi: Salvador.
02465	Koch-Ellis Marine Contractors, Inc.: KE-43.
02492	Interstate & Ocean Transport Co.: Interstate 38.
02519	S.A. Louis Dreyfus & Cie: Pierre L.D.
02637	Actis Co. Ltd.: M.G. Tangaria, Aquafath, Aquacharm.
03067	Vickers Towing Co., Inc.: Girl, Betty, Tim, Leslie Vickers, Chubby, Bobbie.
03084	Oceanic Tankers, Inc.: Oceanic Liberty.
03214	Saleninvest AB: Seen Salen.
03215	Rederiaktiebolaget Salen: Atlantide.
03308	Intercontinental Maritime Ltd.: Evie G. Chimples.
03315	Afran Transport Co.: Afran Mercury, Afran Dawn.
03321	Marunouchi Kisen K.K.: Spencer Maru.
03388	Shell Canada Ltd.: Fuel Marketer.
03395	A/S Oljefart II and Skiba A/S: Motor-tank: Iddi.
03501	Osaka Shosen Mitsui Senpaku K.K.: Kinkasan Maru.
03536	Herlofson Shipping Co. A/S: Bulk Prospector.
03480	Osaka Senpaku K.K.: Chuetsusan Maru.
03614	A/S Kristian Jebsen Rederi: Brunnes.
04247	Kelley's Lumber Yard Ltd.: Betty K, Betty K IV.
04260	Atlantic Navigation Corp., Ltd.: Eleanor.
04357	Nedlloyd Lijnen B.V.: Zonnekerk, Batjan, Zuiderkerk.
04398	Hapag-Lloyd Aktiengesellschaft: Moselstein.
05010	Mt. Vernon Barge Cleaning, Inc.: MYBC-1.
05036	Companhia Nacional De Navegacao: Alenquer, Brapa.
05089	H.F. Elmskipafelag Islands: Lagarfoss, Fjallfoss.
05098	Esso Tankers, Inc.: Esso Spain.
05172	Jad Compania Naviera S.A.: Nata.
05173	Montelindo Compania Naviera, S.A.: Eva.
05278	Twin City Barge & Towing Co.: TCB 301.
05367	Etiko Kisen Kabushiki Kaisha: Etyo Maru.
05377	Manson Construction & Engineering Co. and Osberg Construction Co.: SS-16.
06030	Gremco Towing Co., Inc.: Gremco.
06038	Suomen Hoivryalva Osakeyhtio-Finnska Angfartygs Aktiebolaget: Tellua, Titania.
06075	Mattuna Fisheries, Ltd.: Mattuna Maid.

Certificate No.	Owner/operator and vessels
06191	Neptunea Astrocaminio S.A.: <i>Alexandros B.</i>
06359	Malaysian International Shipping Corp., Berhad: <i>Rimba Cengal</i>
06435	Dampkibskteselskabet Denhorsk Afrika-Og Australielinie, Wilhelmsens Dampkibskteselskabet, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: <i>Tai Ping</i>
06471	Southern Atlantic Navigation Corp., Ltd.: <i>Yvonne</i>
06632	Ellix Navigation Corp. S.A. (Panama): <i>Antipone</i>
06678	Delantera Armadora S.A.: <i>Katipaki</i>
06741	Martopico Armadora S.A.: <i>Elita</i>
07107	Evel Maritime, Ltd.: <i>Tara E.</i>
07256	Tiba, Inc.: <i>Atlantic Carrier</i>
07297	Mediterranean Ventures S.A.: <i>Chian</i>
07480	Transoceanic Reefers Line, Inc.: <i>Antilla</i>
07482	Alexandra Navigation Corp., Ltd.: <i>Panamax World</i>
07640	Esso Co., U.S.A.: <i>H-2008</i>
07743	Yangming Marine Transport Corp.: <i>Yu Ming, Yang Ming, Chao Ming</i>
08012	Nea Galini Shipping Co. SA of Panama: <i>Galini</i>
08038	Flota Petrolera Ecuatoriana: <i>Ecuador</i>
08062	Astron Trading, Ltd.: <i>Global Unity</i>
08072	Marorbe Naviera S.A.: <i>Vassos Georgiadis</i>
08108	Sounion Shipping, Inc.: <i>Stolt Argosy</i>
08251	Monterey Shipping Corp.: <i>Stolt Span</i>
08534	Vall Carriers, Ltd.: <i>Vall Moon</i>
08546	Unicorn Shipping Co., Ltd.: <i>Happy Pioneer</i>
08617	Fairmont Enterprises, Ltd.: <i>Helindas</i>
08726	Scheepvaartbedrijf Arctic: <i>Arctic</i>
09031	Union Mechling Corp.: <i>Ellis 1303</i>
09037	East Aegean Navigation S.A. Panama: <i>Aegean Navigator</i>
09054	A/S Geir: <i>Skarbo</i>
09074	Zuito Shipping Co., Ltd.: <i>Gekko Maru</i>
09131	Tara Tankers Ltd.: <i>Ariadne E.</i>
09149	Rhederi M. Jebsen A/S: <i>Clara Jebsen</i>
09204	Sea-Alaska Products, Inc.: <i>Stormy Seas</i>
09289	Compania Peggy S.A.: <i>Christos</i>
09453	Partrederiet for Mercandian Importer: <i>Mercandian Importer</i>
09460	I/S Permina 112: <i>Permina 112</i>
09518	Pacific Universal Navigation S.A.: <i>Pacific Royal</i>
10033	Britain Steamship Co. Ltd. and Bibby Tankers Ltd.: <i>Shropshire</i>
10035	Crystal Steamship Co. S.A.: <i>Crystal</i>
10179	Integrity Shipping Co., S.A.: <i>Good Venture</i>
10201	Star Line Steamship Co., Ltd.: <i>Caribbean Tanager</i>
10290	Hollywood Marine Inc.: <i>Hollywood 1001</i>
10292	Pacific Peace Navigation S.A.: <i>Pacific Peace</i>
10293	South Marine Corp.: <i>SC 1099</i>
10391	Norman Wooten, Inc. D/B/S Wooten's River Service: <i>Barpe No. 17</i>
10403	Penny Tankers Inc.: <i>Mary Ellen Conway</i>
10475	Anchor Maritime Corp. S.A.: <i>Ocean Sailor</i>
10601	Green Bay Transportation Co.: <i>Grand Bay</i>
10620	Pafos Shipping Co. SA Panama: <i>Nicolas C.</i>
10666	Empresa Flota Atunera De Cuba: <i>Cubanacan</i>
11036	Continental Steamship Co.: <i>New Day</i>
11068	Deep Sea Carriers Co. Ltd.: <i>Miranne</i>
11078	As-Safina Co.: <i>Safina Saudia</i>
11086	Outer Island Shipping Corp.: <i>Sandra D.</i>
11111	Trade Wind Marine Ltd. of Cayman Island: <i>Nina</i>
11133	Mele Shipping Co., Ltd.: <i>Lama</i>
11135	Naviera Polynesia, S.A.: <i>Polynesia I.</i>
11272	Corriente Navegacion Panama, S.A.: <i>Pacific Leader, Pacific Reefer, Unity Reefer, Pacific Master</i>
11285	Sestos Shipping Co., Inc.: <i>Cape Ann</i>
11286	Binion Marine Service, Inc.: <i>T-5000, SC-35, T-6000</i>

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 77-36131 Filed 12-16-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

NATIONAL DETROIT CORP.

Acquisition of Bank

National Detroit Corp., Detroit, Mich., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of a proposed new bank, NBD-Portage Bank, Portage, Mich. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 9, 1978.

Board of Governors of the Federal Reserve System, December 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36110 Filed 12-16-77; 8:45 am]

[6210-01]

WELD STATE CO.

Formation of Bank Holding Company

The Weld State Co., Fort Lupton, Colo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Fort Lupton State Bank, Fort Lupton, Colo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The Weld State Co., Fort Lupton, Colo., has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission engage de novo in the sale of credit life and credit accident and health insurance. Notice of the application was published on December 1, 1977, in The Fort Lupton Press, a newspaper circulated in Weld County, Colo.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and credit accident and health insurance directly related to extensions of credit by The Fort Lupton State Bank. 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 individ-

ual 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 January 9, 1978.

Board of Governors of the Federal Reserve System, December 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-36111 Filed 12-16-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

To: Special Committee No. 72, "Numerical Identification of Stations in Maritime Telecommunications Systems."
Subject: Notice of 5th Meeting.
Date/Time: Wednesday, January 4, 1978, 9:30 a.m.
Location: Conference Room 7327, 2025 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Confirmation of Secretary.
3. Adoption of Agenda.
4. Acceptance of SC-72 Summary Records.
5. Chairman's Final Report on Interim Working Party Deliberations, Geneva, Switzerland, November 1-3, 1977.
6. Discussion of Views regarding Final Meeting, International Study Group 8, Geneva, Switzerland, January 9-25, 1978.
7. Discussion of Work Assignments.

8. Other Business.
9. Establishment of next meeting date.

Francis K. Williams, Chairman, SC-72, Federal Communications Commission, Washington, D.C. 20554, 202-632-7054.

For approval at this meeting.

To: Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service."

Subject: Notice of 45th Meeting.

Date/Time: Wednesday, January 11, 1978, 9:30 a.m. (All-day meeting).

Location: Conference Room A-205, 1229-20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record, 17 November 1977, Paper 216-77/SC 66-121.
4. Continue preparation of MMS R-5, Standard for "General Purpose Marine Receivers".
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202, 201-527-0300.

For approval at this meeting.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting may contact either the designated chairman or the RTCM Secretariat, 202-632-6490.

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 77-36112 Filed 12-16-77; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

PUBLICATION OF SUNSHINE NOTICES IN THE "FEDERAL REGISTER"

Since March 12, 1977, the effective date of the Government in the Sunshine Act, 5 U.S.C. 552b, the Federal Trade Commission has submitted notices to the FEDERAL REGISTER of all Commission meetings and all changes affecting its meetings, although, under 5 U.S.C. 552b(d)(4) and 16 CFR 4.15 (a)(5), the Commission is not required to publish FEDERAL REGISTER announcements of meetings or meeting changes that exclusively concern matters closed to the public under 5 U.S.C. 552b(c)(10). Effective immediately, the Commission will not submit notices to the FEDERAL REGISTER on (c)(10) matters.

The Federal Trade Commission will continue to post notices of all scheduled Commission meetings, and

changes thereto, outside room 130 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. A calendar of scheduled meetings is also mailed on a weekly basis to persons who contact the Commission's Office of Public Information to place their names on its mailing list. A recorded message of current information about scheduled meetings is available by calling 202-523-3806.

For further information contact Wilbur T. Weaver, Office of Public Information, Federal Trade Commission Building, 202-523-3830.

By direction of the Commission, dated November 25, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc. 77-36153 Filed 12-16-77; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration
[Docket No. N-77-825]

BIG OAK BAY ADDITION

Hearing

In the matter of Big Oak Bay Addition, Big Oak Bay Land Co., and Ben E. Jarvis, president, respondent, Docket No. 77-155-IS, OILSR No. 0-3183-49-384.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Big Oak Bay Addition, Big Oak Bay Land Co., and Ben E. Jarvis, president, its officers and agents, herein-after referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Big Oak Bay Addition, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 1 and 4, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR

1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 13, 1978 at 10 a.m. (calendar call—third case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before January 20, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc. 77-36137 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-830]

BIG THICKET LAKE ESTATES AND HOOP AND HOLLER LAKE ESTATES

Hearing

In the matter of: Big Thicket Lake Estates, Ray Reilly, respondent, Docket No. 77-163-IS, OILSR No. 0-3467-49-479, Hoop and Holler Lake Estates, Ray Reilly, respondent, Docket No. 77-165-IS, OILSR No. 0-3354-49-439.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Big Thicket Lake Estates, Ray Reilly, d.b.a. Big Thicket Lake Estates, Hoop and Holler Lake Estates, Ray Reilly, Hoop and Holler Lake Estates, d.b.a., its officers and agents, herein-after referred to as "respondents," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 31, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that

the statement of record and property report for Hoop and Holler Lake Estates, located in Liberty County, Tex., and Big Thicket Lake Estates located in Polk and Liberty Counties, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 21 and 22, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in room 7143, Department of HUD, 451 7th Street SW., Washington, D.C. on February 6, 1978, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, room 10278, Washington, D.C. 20410, on or before January 13, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 1, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc. 77-36142 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-823]

CEDAR BAY ADDITION

Hearing

In the matter of: Cedar Bay Addition, Cedar Bay Land & Development Co., and Ben E. Jarvis, secretary and authorized agent, respondent, Docket No. 77-153-IS, OILSR No. 0-3135-49-356.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Cedar Bay Addition, Cedar Bay Land & Development Co., and Ben E. Jarvis, secretary and authorized agent, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Cedar Bay Addition, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 1 and 4, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 13, 1978, at 10 a.m. in Tyler, Tex., at a place to be determined later (calendar call, first case).

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, room 10278, Washington, D.C. 20410, on or before January 20, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc. 77-36135 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-828]

EAST SHORE ESTATES

Hearing

In the matter of: East Shore Estates, Green Bay Land Corp., and Ben E. Jarvis, president, respondent, Docket No. 77-158-IS, OILSR No. 0-3796-49-592.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. East Shore Estates, Green Bay Land Corp., and Ben E. Jarvis, president, its officers and agents, hereinafter referred to as "respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for East Shore Estates, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 1 and 4, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 13, 1978, at 10 a.m. (calendar call—sixth case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before January 20, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.
[FR Doc. 77-36140 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-824]

MAE GIN COVE

Hearing

In the matter of: Mae Gin Cove, Big Oak Bay Land Co., and Ben E. Jarvis, president, respondent, docket No. 77-154-IS, OILSR No. 0-3460-49-473.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), notice is hereby given that:

1. Mae Gin Cove, Big Oak Bay Land Co. and Ben E. Jarvis, president, its officers and agents, hereinafter referred to as "respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Mae Gin Cove, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an Answer received November 1 and 4, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 11, 1978 at 10 a.m. (calendar call, second case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, room 10278, Washington, D.C. 20410 on or before January 20, 1978.

Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative
Law Judge.

[FR Doc. 77-36136 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-829]

OAKWOOD RIDGE ADDITION

Hearing

In the matter of: Oakwood Ridge Addition, Cedar Bay Land and Development Co., Ben E. Jarvis, secretary and authorized agent, respondent, docket No. 77-159-IS, OILSR No. 0-3257-49-412.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Oakwood Ridge Addition, Cedar Bay Land and Development Co. and Ben E. Jarvis, secretary and authorized agent, its officers and agents, hereinafter referred to as "respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Oakwood Ridge addition, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 1 and 4, 1977, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set

forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 13, 1978, at 10 a.m. (calendar call-seventh case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before January 20, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.
[FR Doc. 77-36141 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-826]

QUIET BAY ADDITION

Hearing

In the matter of: Quiet Bay Addition, Big Oak Bay Land Co., and Ben E. Jarvis, president, respondent, OILSR No. 0-3259-49-413, Docket No. 77-156-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Quiet Bay Addition, Big Oak Bay Land Co. and Ben E. Jarvis, president, its officers and agents, hereinafter referred to as "respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a notice of proceedings and opportunity for hearing dated October 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of record and property report for Quiet Bay addition, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an answer received November 1 and 4, 1977, in re-

sponse to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, on February 13, 1978, at 10 a.m. (calendar call-fifth case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, room 10278, Washington, D.C., 20410 on or before January 20, 1978.

Copies of all documents filed should be served at the same time on all parties of record.

6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative
Law Judge.

[FR Doc. 77-36138 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. N-77-827]

RAINBOW RIDGE

Hearing

In the matter of: Rainbow Ridge, Big Oak Bay Land Co., and Ben E. Jarvis, President, Respondent, Docket No. 77-157-IS, OILSR No. 0-2820-49-639.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Rainbow Ridge, Big Oak Bay Land Co. and Ben E. Jarvis, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated October 18, 1977, which was sent to the devel-

oper pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Rainbow Ridge, located in Smith County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 1 and 4, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, on February 13, 1978, at 10 a.m. (calendar call-fifth case) in Tyler, Tex., at a place to be determined later.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, room 10278, Washington, D.C. 20410 on or before January 20, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 5, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative
Law Judge.

[FR Doc. 77-36139 Filed 12-16-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(F-21903-02)

ALASKA

Alaska Native Claims Selection

On December 18, 1975, Doyon, Ltd., filed regional selection application F-

21903-02 under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands in the Kandik Basin.

As to the lands described below, the application is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to section 12(c), aggregating approximately 5,760 acres, is considered proper for acquisition by Doyon, Ltd., and is hereby approved for conveyance pursuant to section 14(e) of the Alaska Native Claims Settlement Act:

FAIRBANKS MERIDIAN, ALASKA (UNSURVEYED)

T. 23 N., R. 28 E.

Secs. 1, 2, and 3, all;

Secs. 10 to 15, inclusive, all.

Containing approximately 5,760 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-22357-02, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 31 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 32 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific

location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C., ch. 2, sec. 6(g) (1970)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him; and

3. The terms and conditions of the agreement of February 18, 1977 between Doyon, Ltd., and the Secretary of the Interior. A copy of the agreement shall be attached to and become part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Doyon, Ltd., serialized F-22357-02. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

To date, 273,931 acres of land, selected pursuant to section 12(c) of the Alaska Native Claims Settlement Act have been approved for conveyance to Doyon, Limited.

There are no inland water bodies considered to be navigable within the land described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *FEDERAL REGISTER* and once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, suit 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until January 18, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-36150 Filed 12-16-77; 8:45 am]

[4310-10]

Office of the Secretary

BUREAU OF INDIAN AFFAIRS REORGANIZATION TASK FORCE

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that meetings of the Bureau of Indian Affairs Reorganization Task Force subsequent to the December 21 meeting will be held on the following dates:

Wednesday, January 4, 1978
Wednesday, January 18, 1978
Wednesday, February 8, 1978
Wednesday, February 15, 1978
Wednesday, March 1, 1978
Wednesday, March 15, 1978

All meetings will commence at 10 a.m. in room 5160 at the Department of the Interior, 18th and C Streets, NW., Washington, D.C. These meetings are open to the public. Space will permit at least 15 persons to attend these meetings in addition to task force members and task force staff. Any member of public may file written statements concerning task force matters with the task force Chairman or task force Director.

Persons wishing further information concerning these meetings may address or telephone their inquiries to Jack Rushing, Director, Bureau of Indian Affairs Reorganization Task

Force, Office of the Secretary, room 7353, Washington, D.C. 20240, (202-343-6010).

Minutes of the meetings will be available for public inspection 1 week after each task force meeting in room 7353, Department of the Interior, Washington, D.C. 20240.

Bureau of Indian Affairs Reorganization Task Force meeting dates and agendas are as follows:

Wednesday, December 21, 1977: Organization, mission, objectives, goals and appointment of specific committees.

Wednesday, January 4, 1978: Discuss specific problems raised on agenda, assign issues to committees for resolution.

Wednesday, January 18, 1978: Committee reports on resolving issues; take up new problems—begin to define objectives of Bureau of Indian Affairs as reorganized.

Wednesday, February 8, 1978: Propose preliminary reorganization plan, receive comments—assign new issues based on plan and comments.

Wednesday, February 15, 1978: Receive committee reports on problem issues, refine proposed reorganization plan and identify and assign issues not yet considered.

Wednesday, March 1, 1978: Receive committee reports and discuss revised proposed reorganization plan.

Wednesday, March 15, 1978: Consider and approve reorganization recommendations, timetable and plans; obtain dissents/alternatives.

During the week of March 27-31, 1978, preparation of recommendations for the Secretary of the Interior on Bureau of Indian Affairs reorganization will be made.

Dated: December 14, 1977.

JACK RUSHING,
Staff Director.

[FR Doc. 77-36104 Filed 12-16-77; 8:45 am]

[4110-89]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, January 20 and on Saturday, January 21, 1978. The Committees on Site Visits/Parent Involvement, Indian Education/Migrant, Mandated Studies and Legislative Testimony will meet on Friday morning from 9 a.m.-12 noon. The full Council meeting will convene from 1 p.m. until 5 p.m., and will reconvene on Saturday from 9 a.m.-2 p.m. The two-day meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Chil-

dren is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting is for Council to work on their 1978 draft Annual Report and hear reports from Council members on the various site visit activities. Time is also being set aside to plan and outline upcoming Council activities and meetings.

Because of limited space, all persons wishing to attend should call for reservations by January 16, 1978, area code 202-724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

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

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 77-36083 Filed 12-16-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFETY GUARDS WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Change of Date

The December 20, 1977 meeting of the ACRS Working Group on Anticipated Transients Without Scram has been rescheduled to be held on February 17, 1978, and will begin at 8:30 a.m. Notices of this meeting were published in the FEDERAL REGISTER on December 2 and 15, 1977. All items pertaining to the meeting on February 17, 1978 remain the same as stated in the FEDERAL REGISTER notice published on December 2, 1977.

Dated: December 15, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 77-36208 Filed 12-16-77; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

PRESIDENT'S REORGANIZATION PROJECT

Reorganization Study of Natural Resources
and Environmental Functions; Request for
Comments

DECEMBER 12, 1977.

On August 2, 1977, President Carter approved a plan to study whether Fed-

eral responsibilities for natural resources and environmental programs are effectively organized and to consider possible improvements. It is also the President's wish that this study, as well as other studies within the President's Reorganization Project, involve maximum participation of the public.

We have developed the enclosed document as a means to obtain your views and comments. We wish to consult extensively with public interest groups, Congress and government agencies to obtain a comprehensive view.

This document is not a report, nor the result of an analysis of current programs, nor does it provide recommendations. It merely seeks your comments and views for use in our analysis, to help form the study's conclusions and to make recommendations to the President.

While we know that a thorough response will require time, we would like your reply by January 14, 1978. All replies will be reviewed, but receipt of comments by January 14, will allow us time to follow-up on your ideas.

We will evaluate your comments and include them as part of our analyses. All respondents to the enclosed solicitation will be sent a copy of subsequent option papers released for public comment.

We value your participation and look forward to your reply.

Send responses to: Executive Office of the President, Office of Management and Budget, President's Reorganization Project, Natural Resources/Environment Division, room 3203, NEOB, 726 Jackson Place NW., Washington, D.C. 20503.

For further information contact: Jack Donahue or Frank Wilson 202-395-5105.

WILLIAM W. HARSCH,
Deputy Associate Director, Natural
Resources, Environment
Division.

INTRODUCTION

President Carter asked us to determine whether the organization and processes for carrying out the Federal Government's natural resources and environmental responsibilities are designed to foster the objectives of those programs. To the extent that existing organization and processes do not serve program objectives, we are asked to develop and recommend improvements.

PURPOSE OF THIS PAPER

This paper is designed to obtain the views and reactions of persons outside the Federal Government who have an interest in natural resources and environmental programs. This paper is not a report nor the product of an analysis and does not report conclusions or recommendations. It is an integral part of

our fact gathering. Your views will be used in developing our conclusions and recommendations.

The paper seeks your views on three closely related topics:

I. Problems which, in your view, are caused by the existing organization, or needs which the existing organization cannot effectively address. It is important that you be specific in describing problems. Examples or case histories should be used to illustrate problems where possible.

II. Underlying issues which must be addressed as a basis for analyzing the present organizational structure as well as any alternative structures which might be proposed.

III. Preliminary organizational alternatives which have been suggested by previous reorganization studies and by the agencies and interest groups that have been consulted thus far. These alternatives range from improved coordination mechanisms between specific programs, to major programmatic and functional consolidations among Cabinet Departments. Your discussion of the organizational alternatives should be logically consistent with your preceding discussions of problems and underlying issues. In other words, the alternative(s) which you favor should solve the problems which you describe and be in line with your position on the underlying issues.

We designed this paper to solicit information on the full range of natural resources and environmental functions and agencies. However, if your time or interest is limited please feel free to address your comments accordingly to the broadest range of organizational or process problems, underlying issues, and alternatives with which you are familiar.

While we would like you to support your analysis and ranking of alternatives with specific problems and issues, we are interested in your views, whether or not you have developed a compelling case for them.

SCOPE OF STUDY

The scope of the study is summarized as follows:

Regarding natural resources it covers:

Natural resources within the public domain which are directly managed and those which are privately owned or owned by State and local jurisdictions or are subject to regulation, financial or technical assistance or trust responsibilities.

Non-renewable (e.g., coal, oil, minerals, etc.) and renewable (e.g., timber, fish, wildlife, etc.).

The conservation and protection of natural resources as well as their development and use.

The sciences, technology and data needed to make well-founded decisions affecting both immediate situations and future needs.

The organizational arrangement needed for: broad national policy formulation, program and case decisions, effective day-to-day management and service delivery.

Federal interactions with State and local, private and international interests.

Regarding environmental protection the scope includes:

All media—air, water, land.

Any pollutant or source of pollution—chemicals, industrial or municipal wastes, air emissions, radiation, noise, solid wastes or others.

All functions—policy setting, regulation, enforcement, research, monitoring, information dissemination and grants.

Federal interactions with State and local, private and international interests.

Certain agencies are centrally involved in the scope of study:

Department of Agriculture—U.S. Forest Service, Soil Conservation Service, and supporting programs elsewhere in the Department.

Department of the Interior—All programs except the Mine Enforcement and Safety Administration to be transferred by law to the Department of Labor.

Department of Commerce—National Oceanic and Atmospheric Administration.

Department of Defense—Army Corps of Engineers, Civil Works.

Council on Environmental Quality.
Environmental Protection Agency.
Water Resources Council.

Several agencies with energy-related missions have strong natural resources and environmental involvements and, as such, will be examined as appropriate and needed:

Department of Energy.
Nuclear Regulatory Commission.
Tennessee Valley Authority.

Department of Agriculture—Rural Electrification Administration.

Some agencies have a collateral involvement with natural resources or environmental matters incident to their broader mission. Appropriate responsibilities of these agencies will also be reviewed as necessary. Examples include:

U.S. Coast Guard.
National Aeronautics and Space Administration.

National Science Foundation.

Agencies with Native American and Natural Resource Trust responsibilities.

Organizations to perform programs and missions which are outmoded or changed in character.

Excessive delays in reaching decisions, if due to multiple agency involvement in the same issue.

Decision processes which are not sufficiently open to participation by interested parties including state, local or regional groups.

II. Comment on Underlying Issues

A number of general issues can be stated which have a bearing on determining a sound organizational pattern for natural resource and environmental functions. The resolution of these issues would tend to provide guiding principles in the development and analysis of organizational alternatives. You are invited to comment on these issues or to identify and comment on other underlying issues.

1. *Regulatory independence, i.e.* How important is it to have environmental regulatory standard-setting and enforcement separated from other related activities, or otherwise organized so as to enhance its independence? Independent from what? What organizational provisions are required to assure adequate independence without causing unresponsiveness to related legislative intent and national policy objectives or lack of understanding of the activity to be regulated.

What organizational relationship is appropriate between programs which regulate a particular sector and those which promote or serve that sector as a clientele?

What organizational relationship is appropriate between environmental regulatory programs and the R&D needed to support regulatory decisions?

2. *Management of Indian-owned resources.* An important part of the Federal trust responsibility for Indian affairs is the management of natural resources on Indian reservations for the benefit of the Indians. Under any organizational plan this obligation must be well served in close concert with the affected tribe.

3. *Interrelatedness of natural resources and environment phenomena.* What aspects of the ocean, atmosphere and land, and surface waters interrelate? Are there other interrelationships?

What organizational inferences can be drawn?

Is there an identifiable pattern in our dealings with specific resource fields such as water, air, land, or oceans that is common to all? e.g., does each involve basic research, data accumulation, governing policy, inventory of assets, development of resources to meet human needs, preservation of the resource base and protection of its quality. To the extent there is a common pattern, what, if any, organization inferences are there?

4. *Advocacy and conflict resolution.* Balanced management of natural resources often involves a tension between development and use of resources versus their preservation and protection. In some manner the governmental process must permit each of these points of view to be effectively advocated at both policy level and in specific site case decisions. Where

and how should advocacy be built into the system? The governmental process must also provide for resolution of conflicts. Where and how should this responsibility be placed?

5. *Managing the public land domain.* How much uniformity or consistency is needed in the management of public lands in terms of such things as permitting, user fees, grazing and forestry practices, recreational uses, etc.?

6. *Public and private land and related resources.* Our total land and related resources are mostly publicly owned in the West and mostly privately owned in the East. Is the Federal role with respect to the public and private resources so different as to permit or require separate organizations? Conversely, are the objectives and problems so similar that it permits or requires that they be joined under a single management?

7. *Environmental regulation and public health.* To what extent is environmental regulation an inherent part of the responsibility for guarding public health? Does this relationship provide a meaningful guideline in terms of organizing federal programs in these fields? Is environmental regulation closer to public health or to natural resource management?

8. *Federal/regional/State/local balance.* Are decisionmaking and implementing actions in the fields of natural resource management and environmental protection assigned to the best advantage among the levels of Government? What suggestions for adjustment?

9. *Research support.* Resource management and environmental regulation need effective R&D support. A number of issues arise in organizing to provide this support, e.g. when and how to consolidate responsibility for performing related research versus leaving it disaggregated to assure closer responsiveness to operating needs and to provide multiple approaches to achieving breakthroughs. Proper balance between short-term, objective oriented research versus long-term basic or anticipatory research.

III. Preliminary Organizational Alternatives for Federal Natural Resources and Environmental Programs

Our study of previous reorganization proposals and consultation with a number of congressional, agency and interest group contacts has revealed numerous organizational alternatives related to Federal natural resources and environmental programs. For convenience, these alternatives have been grouped into four different categories:

Changes affecting specific programs or activities.

Strengthened interagency coordinative processes.

Realignments and consolidations affecting single resource areas.

Major realignments and consolidations.

In order to focus the analysis of problems and underlying issues, we are considering these alternatives as preliminary alternatives and soliciting your views on them. Your comments will be used to develop and analyze the final set of options included in the recommendations to the President. While a wide range of alternatives is shown below, the list is not exhaustive and you are invited to suggest additional alternatives for consideration.

We are interested in several specific kinds of reactions to the preliminary alternatives presented here:

1. A list of the alternatives which you favor, in order of preference. Do not limit yourself to the preliminary alternative shown here, but add any other alternatives which you would like to propose.

2. A discussion of the advantages and disadvantages associated with the alternatives listed. To the extent possible, this discussion should relate to the problems and issues presented earlier in your response.

A. Changes Affecting Specific Programs or Activities

These alternatives involve actions to improve illogical or ineffective organizational placement of specific programs or activities, where merited. Generally the basic structure among agencies would be unaffected except as they relate to the specific program or programs involved.

Many cases can be cited as possible candidates for these alternatives, subject, in each case, to finding that the potential net benefits are sufficiently demonstrable upon closer examination:

Examples: 1. Creation of a single civil survey (mapping and charting) agency by consolidation of responsibilities now in Geological Survey and the National Oceanic and Atmospheric Agency and perhaps related activities in a number of other agencies.

2. Designation of a single agency to perform weather modification functions.

3. Possible redirection of the Corps of Engineers and the Bureau of Reclamation to assume new missions as alternatives to their traditional roles.

4. Streamline and perhaps realign deep water port responsibilities between the Coast Guard and Commerce Department (NOAA).

5. Redirect and possibly consolidate Federal responsibilities relating to outdoor recreation.

6. Transfer navigation functions from Corps of Engineers to the Department of Transportation or responsibilities for irrigation projects from the Bureau of Reclamation to the Department of Agriculture.

7. Realignment of responsibilities among agencies engaged in environ-

mental monitoring, e.g., consolidation of water monitoring programs.

8. Selective consolidation of research or data services which are similar in nature or purpose, e.g. renewable resources research.

B. Strengthened Interagency Coordinative Processes

These alternatives assume that any problems or failures in the present organization can be adequately addressed through interagency coordination and do not require change in the basic structure or mission among existing agencies. This avoids the disruption of major change. Existing problems could be addressed within the existing interagency structure through semi-formal means such as:

Lead agency assignments, for water quality or other types of research. This could even include direct funding and "pass-through" of certain research funds to other agencies.

Interagency task forces to perform one-time assignments, e.g. develop common standards and procedures for environmental monitoring.

Interagency agreements for continuing cooperative efforts among two or more agencies, collection of specific water quality data.

Interagency standing committees to facilitate communication in matters of continuing common concern, forest fire control or a modified Federal Radiation Council.

Within the concept of these alternatives would be the possibility of creating or strengthening an interagency coordinative body to help assure that the operating agencies work together effectively and produce consistent policy and regulations. Possibilities include:

A strengthened Council on Environmental Quality (CEQ) or Water Resources Council including oversight authority or budgetary control.

Creation of a formal body, to develop policy and oversee its execution by the operating agencies. This body, perhaps called The Natural Resources Council, would participate in the budget review process and could even be directly funded for selected activities such as research that is not directly mission related.

Finally this general category of alternatives could include the idea of establishing in each relevant Department or agency an environmental unit that is responsive to a central counterpart in the Executive Office or White House. These units would be responsible for representing the environmental view in their agencies and would do so in government-wide concert through the leadership of the central counterpart unit. The latter could be a modification of the CEQ.

C. Realignments and Consolidations Affecting Single Resource Areas

It may be concluded after further study that the federal responsibilities in one or two resource areas—water, oceans, or land would be significantly improved by consolidation under unified direction. Consolidation in other resource areas would be avoided if the same compelling case cannot be made in those instances.

Each resource area has its own unique circumstances. The possible resource area realignments could take place in several alternative ways:

1. *Water.* (a) Consolidate in a single agency only the policy and planning aspects of water management and leave design, construction, maintenance and operation in their present locations in Interior, Agriculture and Corps of Engineers. Planning for the water quality program of the Environmental Protection Agency (EPA) could be included or could remain with EPA. (b) Same as above except that the consolidated water resource planning body would also directly receive funds for "pass-through" to the construction agencies. (c) Consolidate all water resource management activities from Interior, Agriculture, and Corps including everything from early planning to construction and operation. Perhaps the waste water treatment grants of EPA would be included. (d) Transfer greater responsibility for water resource development to individual states which have the capability and desire to assume that responsibility. Such a grant of authority would require legislation and would involve a shared system of standards, grants, and federal oversight. Certain types of projects might be stipulated to be ineligible for assignment to states because of strong interstate, national or even international implications.

2. *Land and related resources.* (a) Consolidate management of public multiple-use lands by combining management of National Forests from the Forest Service and the functions of the Bureau of Land Management (BLM). (b) Consolidate management of all public lands in a single agency including multiple and single use lands i.e. National Forest Management and functions of Fish & Wildlife Service (FWS), and all of BLM and National Park Service (NPS). (c) Consolidate all public and private land and land related resource functions in a single agency, i.e. all of Forest Service, BLM, NPS, FWS, Soil Conservation Service (SCS) (perhaps except for water functions) and Bureau of Outdoor Recreation. (d) Broaden the consolidation to include all mineral management by including functions of Geologic Survey and the Bureau of Mines. (e) Create a public land corporation to manage selected Federal real estate which has commercial potential.

3. *Ocean Resources.* (a) Bring together under a single agency all federal programs related to the management of ocean renewable and non-renewable resources. This would include National Oceanic & Atmospheric Administration (NOAA) and outer continental shelf portions of BLM, United States Geological Survey (USGS), FWS and other Interior units, as well as programs of EPA and Coast Guard. (b) The ocean resources consolidation could be limited by dealing only with non-regulatory activities with ocean resources regulation assigned to EPA or others.

NOTE.—In any of these single resource area realignment and consolidation options the resulting agency could be either free-standing or contained in an existing Department or issues could be consolidated in an over-arching planning and policy Council(s).

D. Major Realignments and Consolidations

Natural resource and environmental programs have been dispersed historically among a number of agencies with no clearly discernible rationale except that since the early 70's environmental regulatory functions and powers have been largely centralized in EPA. Several realignment and consolidation alternatives are identified below as possible ways of introducing greater coherence and manageability to these programs which interact in many ways.

1. Consolidation of natural resource functions to form a Department of Natural Resources—Environmental regulations continue in a separate EPA.

The concept would bring together under unified planning and direction, all resource management programs including responsibility for balancing development to meet needs with conservation and environmental quality values. The regulatory powers to protect the environment would be separated from the resource manager to avoid possible conflict.

The following agencies would be included in this concept: Interior, Forest Service and all or parts of Soil Conservation Service from Agriculture, NOAA from Commerce, Civil Works of Corps of Engineers, Water Resources Council. The concept might or might not extend to TVA, the waste water treatment grants of EPA and specific smaller functions of other agencies.

2. Consolidation of natural resources and environmental regulatory programs to form a Department of Natural Resources and the Environment.

This concept involves combining the two separate entities of the previous alternative—natural resources management and environmental regulation—into a single Department. Such an arrangement would permit maximum sharing of data, skills and facili-

ties. The need for independence in administering the environmental regulatory powers could be provided by "insulating" this activity within the framework of the Department in a manner similar to the regulatory program within the Department of Energy.

3. Combine the farm related activities of the U.S. Department of Agriculture with the management of public and private non-urban land and related renewable resources now placed in Agriculture, Interior and other agencies. This would produce a Department of Agriculture and Renewable Resources.

This concept recognizes the close association between land resources and the production of food and fiber. It would also consolidate such renewable resource management programs as those involving forestry, rangelands, fish and wildlife. Research and data programs applicable to soil and renewable resources would be brought together and integrated. The consolidation would span both public and privately owned land resources although this distinction could be organizationally recognized internally if desired.

4. Join ocean resource programs with environmental regulation programs to form a Department of Ocean Resources and the Environment.

This alternative would combine ocean resource activities of NOAA, Interior, EPA, perhaps the Coast Guard and others, and the environmental regulatory activities of EPA. The concept would include the idea that ocean resources are quite distinct from other resource categories and should have separate attention.

Again in this case, the regulatory program could be "insulated" to avoid conflict with the development responsibilities.

5. Resource development activities could be assigned to one Department—a Department of Resource Development—while, at the same time, environmental protection and resource conservation activities could be brought together in a Department of the Environment and Conservation. Since this concept involves two advocacy oriented Departments, a third body might be needed to set overall policy and rule on unresolved conflicts short of the President.

This alternative recognizes the continuing tension between developmental interests on the one hand and environmental quality and resource conservation values on the other hand. Each would be segregated from the other so as to avoid internal conflict within a single agency and to provide a clear advocacy within government for these respective points of view.

The development-oriented agency would include programs of BLM, Bureau of Reclamation, Bureau of

Mines, Bureau of Outdoor Recreation, Corps of Engineers, Fishery development and other parts of NOAA, and most functions of the Forest Service.

The preservation-oriented agency would take in programs of EPA, FWS, parts of NOAA, parts of SCS, NPS, and parts of Forest Service.

The third arbiter type unit, if deemed necessary, might be a very small Executive Office unit confined to policy formulation and major case resolution. It could also be expanded to meet some needs common to both "advocate" agencies in order to prevent duplication in research activities.

In terms of R&D work, each advocate would do close program support research, including regulatory support work. Anticipatory and basic research should be independent and without bias and should be housed in the third overseer organization. This would involve, as a minimum, parts of Geological Survey and of NOAA. In this event the overseer agency would be too large and operational for the Executive Office.

6. The environmental regulatory functions could be combined with public health regulatory functions to form a Department of the Environment and Public Health.

While the scope of our study is not designed to fully evaluate this alternative, it may conclude that the functions of environmental protection are more related to the protection of human health than to the management of natural resources. We have included this option specifically to solicit your views on this set of issues. Further work would be needed to fully examine this possibility.

This concept would recognize a strong and growing commonality of interest between EPA and several public health agencies in connection with harmful substances which come to us through the environment, the work place, products and the food chain. The commonality extends across a range of activities including the identification of toxics, monitoring, regulatory enforcement strategies and supporting research.

In effect, this alternative would take environmental protection in a different direction from natural resources management and conclude, instead, that it needs to be more closely associated with public health regulation and administration.

This alternative would take all or most of EPA's functions and join them with selected functions of the Food and Drug Administration, Occupational Safety and Health Administration, Consumer Product Safety Commission, National Institutes of Health, National Institute of Occupational Safety and Health and perhaps others.

NOTE.—It is recognized that related study is going on at present to identify means of

achieving a coordinated approach to toxic substances control within the existing inter-agency structure.

E. Other Alternatives or Approaches

Some alternatives have been suggested which represent essentially different approaches as compared with the foregoing alternatives. These are valid possibilities and comments are invited. They are itemized as follows:

1. *Internal agency reorganization.* Improve organization and streamline processes internally within existing Departments and agencies. Specific suggestions would be welcome. This approach could also include specific actions to decentralize decision-making or operations from Washington to the field arm of the respective agencies.

2. *Time-phased proposals.* Any of the major consolidations listed earlier could be accomplished on a time-phased basis. That is, the major concept and framework of a new Department could be established with only a portion of the total plan implemented initially. The remaining portions of the plan could be effected over time as they become ready for implementation and as the Department is ready to effectively absorb them. In this connection, respondents may wish to suggest a priority sequence for implementation of any given alternative.

Devolution to State, regional, or local levels. Federal functions in the resource and environmental protection field could be reviewed to identify further opportunities for shifting federal responsibilities to State, regional or local levels. There is already a sharing of roles in many areas, but this process could be enlarged so that local or regional views are more accurately and systematically included in resource management decisions. Alternative C.1(d) relating to water resources management is a specific example of this approach.

4. *Private sector performance.* Certain governmental functions in this area could be considered for performance by private organizations. Data management activities or research may be areas in which this approach is feasible.

5. *Terminate functions.* Respondents may feel that specific federal functions are unnecessary, outmoded, unjustified or actually counter-productive. This perception on the part of respondents could produce suggestions for termination of specific programs.

[FR Doc. 77-36127 Filed 12-16-77; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

EARTHQUAKE HAZARDS REDUCTION ADVISORY GROUP

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Earthquake Hazards Reduction Advisory Group.

Date: January 6 and 7, 1978.

Time: 9 a.m. to 4 p.m.

Place: Conference Facility Part A, Building 3, 345 Middlefield Road, Menlo Park, Calif. 94025.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, 202-395-4692.

Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

Purpose of advisory committee: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local governmental units, and the private sector for the implementation of actions derived from a comprehensive program of research in earthquake prediction, earthquake hazards assessment and earthquake disaster mitigation.

Agenda: 9 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc. 77-36196 Filed 12-16-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0115]

RIO INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the Regulations (13 CFR 107.102 (1977)), under the name of RIO Investment Corp., 1415 Industry Avenue, Albany, Ga. 31702, for a Licensee to operate in the State of Georgia as a Small Business Investment Company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq.).

The Applicant intends to raise its initial capital through an offering of its common stock to the general

public, under Regulation A of the securities act of 1933.

The proposed officers and directors and major stockholders are as follows:

John L. Mock, 1704 West Broad Street, Albany, Ga. 31702—President and Director.

James M. Mills, 411 Pecan Drive, Americus, Ga. 31709—Vice President and Director.

John Beasley, 1904 Gail Avenue, Albany, Ga. 31705—Secretary, Treasurer and Director.

John Mallory, Jr., 703 W. 12th Street, Tifton, Ga. 31794—General Manager and Director.

Ernest M. Patrick, Route 1, Box 287A, Cordele, Ga. 31015—Director.

Cecil S. Musgrove, 1902 Gail Avenue, Albany, Ga. 31705—Director.

Charles S. Grice, Oleander Street, P.O. Box 7112, La Guna Beach, Fla. 32401—Director.

James P. Montgomery, Dawson, Ga. 31762—Director.

Donald H. Bravaldo, 1314 8th Avenue, Albany, Ga. 31707—Director.

Wallace E. Waters, 1304 8th Avenue, Albany, Ga. 31707—Director.

*RIO Stores (over 10 percent).

*RIO Development (over 10 percent).

*RIO Real Estate Holding Co., Inc., 1415 Industry Avenue, Albany, Ga. 31702—(over 10 percent).

All of the officers and directors of the Applicant are either officers, directors or stockholders of at least one or more of the aforesaid companies and therefore affiliated or under common control with the applicant.

The Applicant will begin operations with a capitalization of \$350,000 which will be a source of long-term loans for qualified small business concerns with particular attention in the retail food industry. In addition to financial assistance, the Applicant will provide consulting services to its clients.

The Applicant will conduct its operations principally in the State of Georgia, northern Florida and southeastern Alabama.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Dated: December 12, 1977.

*These three (3) corporations are affiliated with the Applicant. Following the initial offering these companies will each hold more than ten (10) percent of the outstanding shares in Applicant.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

PETER F. McNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 77-36088 Filed 12-16-77; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice 583]

CULTURALLY SIGNIFICANT OBJECTS FROM THE GERMAN DEMOCRATIC REPUBLIC

Determination

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority No. 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the 641 objects described in the list¹ filed as a part of this determination pursuant to an agreement of September 24, 1977, between the Staatliche Kunstsammlungen, Dresden, German Democratic Republic, the National Gallery of Art, Washington, D.C., the Metropolitan Museum of Art, New York, N.Y., and the Fine Arts Museums of San Francisco, San Francisco, Calif., for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects entitled "The Splendor of Dresden: Five Centuries of Art Collecting—An Exhibition from the German Democratic Republic" at the National Gallery of Art, Washington, D.C., beginning on or about May 31, 1978, to on or about September 4, 1978; at the Metropolitan Museum of Art, New York, N.Y. beginning on or about October 17, 1978, to on or about January 13, 1979; and at the Fine Arts Museums of San Francisco, San Francisco, Calif., beginning on or about February 18, 1979, to on or about May 26, 1979, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

WILLIAM K. HITCHCOCK,
Acting Assistant Secretary for
Educational and Cultural
Affairs.

DECEMBER 13, 1977.

[FR Doc. 77-36091 Filed 12-16-77; 8:45 am]

¹Itemized list of objects included in the exhibition "The Splendor of Dresden". This list is filed at the office of the Federal Register as part of the original document.

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT WILLIAMSPORT-LYCOMING COUNTY AIRPORT, MONTGOMERY, PA.

Reduced Hours of Operation

Notice is hereby given that the Airport Traffic Control Tower at Williamsport-Lycoming County Airport, Montoursville, Pa., will reduce its hours of operation commencing on or about January 1, 1978. Hours of operation will be 7 a.m. to 11 p.m. daily.

(Sec. 313(a), Federal Aviation Act of 1958, 72 Stat. 752 (49 U.S.C. 1354).)

Issued in New York, N.Y., on November 22, 1977.

LOUIS J. CARDINOLI,
Acting Director, Eastern Region.

[FR Doc. 77-35827 Filed 12-16-77; 8:45 am]

[4910-06]

Federal Railroad Administration

[FRA E.O. No. 6; Notice No. 2]

ILLINOIS CENTRAL GULF RAILROAD CO.

Revocation of Emergency Order Due to Changed Circumstances

In light of significantly changed circumstances relating to the safety of train operations over the line of railroad operated by the Illinois Central Gulf Railroad (ICG) between Rock Creek Junction, Mo., and Clark, Mo., the segment of railroad subject to Emergency Order No. 6 (42 FR 62243, Dec. 9, 1977), I have determined that an emergency situation no longer exists with respect to such railroad operations and that the order issued pursuant to section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) should be revoked.

When Emergency Order No. 6 was issued on December 7, 1977, unsafe conditions involving the display of false proceed indications presented immediate threat of death or injury to railroad employees and members of the public sector along the right-of-way. Since that time, the ICG has made a major commitment of personnel and resources to remove vegetation affecting the integrity of the signal system. The ICG has indicated to representatives of the Federal Railroad Administration (FRA) that identified unsafe conditions have been substantially remedied. FRA inspectors on the scene have verified a number of the subject representations. I, therefore, believe that the total prohibition on train service contained in Emergency Order No. 6 is no longer required, provided the ICG insure that proper interim precautions are observed while

the signal system is brought into compliance with the Signal Inspection Act (49 U.S.C. 26) and FRA regulations issued thereunder (49 CFR Part 236). Carrier officials have reported that appropriate precautions will be observed. In consideration of the foregoing, Emergency Order No. 6 is hereby rescinded, effective immediately.

However, it should be emphasized that FRA is aware that some remaining serious hazards involving noncompliance with the Signal Inspection Act and FRA regulations continue to exist as a result of the condition of the signal system on this line of railroad. FRA is also aware that intensive efforts are underway by the carrier to remedy these remaining serious problems. FRA expects and anticipates that these conditions will be corrected within the next several days.

Should the ICG fail to maintain its current intensive efforts until such time as all grounds are removed and the signal system is known to function as intended in compliance with applicable regulations, FRA will demand payment of the maximum civil penalty for violation of the Signal Inspection Act of \$2,500 for each violative condition identified by FRA and for each day such condition is permitted to continue.

Neither this order of revocation nor any portion thereof is to be construed to be in derogation of the absolute duty of the ICG or any common carrier by railroad to comply with all Federal laws and regulations related to railroad safety.

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

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 77-36116 Filed 12-16-77; 8:45 am]

[4910-06]

[FRA Waiver Petition No. HS-77-17]

MOSCOW, CAMDEN, & SAN AUGUSTINE RAILROAD CO.

Petition for Exemption From the Hours of Service Act

The Moscow, Camden and San Augustine has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-77-17, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications

received before January 17, 1978, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on December 13, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 77-38074 Filed 12-16-77; 8:45 am]

[4810-40]

DEPARTMENT OF THE TREASURY

[Department Circular Public Debt Series—
No. 30-77]

Office of the Secretary

TREASURY NOTES OF DECEMBER 31, 1979

Series X-1979

DECEMBER 14, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3 billion of U.S. securities, designated Treasury Notes of December 31, 1979, Series X-1979 (CUSIP No. 912827 HH 8). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

1.2. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of U.S. notes, and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered by this circular, this shall be considered an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated January 3, 1978, and will bear interest from that date, payable on a semiannual basis on June 30, 1978, and each subsequent 6 months on December 31 and June 30, until the principal becomes payable. They will mature December 31, 1979, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing U.S. securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Wednesday, December 21, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 20, 1977.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1 million.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or pur-

chase of any securities of this issue prior to the deadline established in section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be open, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a one-eighth of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield

bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per 100, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, January 3, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing U.S. securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than: (a) Wednesday, December 28, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or (b) Tuesday, December 27, 1977, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying

number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are au-

thorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 77-36114 Filed 12-14-77; 3:35 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 547]

ASSIGNMENT OF HEARINGS

DECEMBER 14, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112822 (Sub-No. 419), Bray Lines, Inc., now assigned January 4, 1978, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street.

MC 113678 (Sub-No. 659), Curtis, Inc., now assigned January 9, 1978, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street.

MC 135634 (Sub-No. 47), Bass Transportation Co., Inc., now being assigned February 7, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 124211 (Sub-No. 300), Hilt Truck Line, Inc., now being assigned March 14, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 8973 (Sub-No. 46), Metropolitan Trucking, Inc., now being assigned February 9, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 135236 (Sub-No. 21), Logan Trucking, Inc., now being assigned February 23, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 114730 (Sub-No. 6), V. Van Dyke, d.b.a. Van Dyke Truck Lines, now assigned January 4, 1978, at Seattle, Wash., will be held in Room 3086 Federal Building, 915 Second Avenue.

MC 115092 (Sub-No. 59), Tomahawk Trucking, Inc., now assigned January 5, 1978, at

- Seattle, Wash., will be held in Room 3086, Federal Building, 915 Second Avenue.
- MC 129387 (Sub-No. 30), Payne Transportation, Inc., now assigned January 6, 1978, at Seattle, Wash., will be held in Room 3086 Federal Building, 915 Second Avenue.
- MC 143006, Dorwin Trucking Co., Inc., now assigned January 9, 1978, at Seattle, Wash., will be held in Room 3086 Federal Building, 915 Second Avenue.
- MC-C-9302, Evergreen Trails, Inc., V. Everett Charter System, Inc., and MC 126203 (Sub-No. 6), Everett Charter System, Inc., now assigned January 11, 1978, at Seattle, Wash., will be held in Room 3086 Federal Building, 915 Second Avenue.
- MC 107515 (Sub-No. 1096), Refrigerated Transport, Co., Inc., now assigned January 4, 1978, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.
- MC 135684 (Sub 41), Bass Transportation Co., Inc., now assigned January 5, 1978, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.
- MC 94201 (Sub 149), Bowman Transportation, Inc., now assigned January 6, 1978, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.
- MC 140786 (Sub 2), The United States Cargo & Courier Service, Inc., now assigned January 9, 1978, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.
- MC 138157 (Sub 41), Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now assigned January 10, 1978, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.
- MC 142632 (Sub 1), Spider Wrecker Service, Inc., now assigned January 11, 1978, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street NW.
- MC 124887 (Sub 34), Shelton Trucking Service, Inc., now assigned January 10, 1978, at Tallahassee, Fla., will be held on the 1st floor, Duncan V. Fleisher Building, 101 East Gaines Street.
- AB 43 (Sub 31), Illinois Central Gulf Railroad Co. Abandonment Between Mason City and Jacksonville, in Mason, Menard, Cass, Sangamon, and Morgan Counties, Ill., now assigned January 4, 1978, at Petersburg, Ill., will be held in the Community Meeting Room, National Bank of Petersburg, 321 North 6th.
- MC 142359 (Sub 2), Port East Transfer, Inc., now assigned January 10, 1978, at Baltimore, Md., will be held in room 1017, Federal Building, 31 Hopkins Plaza.
- MC 112989 (Sub 47), West Coast Truck Lines, Inc., now assigned January 16, 1978, at Salem, Oreg., will be held in room 346, State Capitol Building.
- MC-C-9848, Allard Express, Inc., et al. v. General Cartage Co., now assigned January 17, 1978, at Madison, Wis., will be held in room 951, Hill Farms State Office Building, 4802 Sheboygan Avenue.
- MC-F-13203, Allied Van Lines, Inc., d.b.a. Allied Van Lines—Control—Eleveld Chicago Furniture Service, Inc., now assigned January 17, 1978, at Chicago, Ill., will be held in room 3855A, 230 South Dearborn Street.
- MC 134493 (Sub 3), Chicago-St. Louis Transport, Inc., now assigned January 17, 1978, at Chicago, Ill., will be held in room 905, 536 South Clark Street.
- FF-C 67, Max Gruenhut, GMBH & Co., Max Gruenhut International, Inc., Inland Import, Inc., and Green Container Transport, Inc.—Investigation of Operations now assigned February 23, 1978 at Chicago, Ill., is postponed indefinitely.
- MC 140829 (Sub 55), Cargo Contract Carrier Corp., now being assigned February 23, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.
- MC 5623 (Sub 35), Arrow Trucking Co., now being assigned February 7, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.
- MC 138252 (Sub 4), Courtesy Bus Rental System, Inc., now being assigned January 24, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.
- MC 133095 (Sub 168), Texas-Continental Express, Inc., now being assigned February 9, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.
- MC 116725 (Sub 23), Indian Valley Enterprises, Inc., now being assigned February 16, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.
- MC 113678 (Sub-No. 661), Curtis, Inc., now assigned January 16, 1978, at New York, N.Y., will be held in Room 2000, Federal Bldg., 26 Federal Plaza.
- MC 141076 (Sub-No. 10), Rogers Motor Lines, Inc., now assigned January 17, 1978, at New York, N.Y., will be held in Room 2000, Federal Bldg., 26 Federal Plaza.
- MC 45363 (Sub-No. 9), Stones Express, Inc., now assigned January 18, 1978, at New York, N.Y., will be held in Room 2000, Federal Bldg., 26 Federal Plaza.
- MC-F-13211, Tri-State Motor Transit Co., Inc., d.b.a. Tri-State Motor Transit—Control—Colonial Fast Freight Lines, Inc., FD 28460, Tri-State Motor Transit Co., Securities now assigned February 6, 1978, at Birmingham, Ala., is postponed indefinitely.
- MC 52464 (Sub-No. 8), Evans Trucking Co. Extension—New York, now assigned January 17, 1978, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
- MC 103066 (Sub-No. 58), Stone Trucking Co., now assigned January 18, 1978, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
- MC 114312 (Sub-No. 30), Abbott Trucking, Inc., now assigned January 19, 1978, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
- MC 25798 (Sub-No. 292), Clay Hyder Trucking Lines, Inc., MC 28088 (Sub-No. 29), North & South Lines, Inc., MC 82492 (Sub-No. 147), Michigan & Nebraska Transit Co., Inc., MC 112822 (Sub-No. 418), Bray Lines, Inc., MC 113678 (Sub-No. 667), Curtis, Inc., MC 119619 (Sub-No. 111), Distributors Service Co., MC 133566 (Sub-No. 85), Gangloff & Downham Trucking Co., Inc., and MC 135732 (Sub-No. 26), Aubrey Freight Lines, Inc., now assigned January 23, 1978, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
- MC-F-13232, Jack Gray Transport—Purchase—Jack McFeely, d.b.a. McFeely Trucking, Inc., and MC 125777 (Sub-No. 190), Jack Transport, Inc., now assigned January 25, 1978, at Columbus, Ohio, will be held in room 235, Federal Building, 85 Marconi Boulevard.
- MC 120646 (Sub-No. 19), Bradley Freight Lines, Inc., now assigned January 18, 1978, at New Orleans, La., will be held in East Courtroom 223, U.S. Court of Appeals, 600 Camp Street.
- MC 94350 (Sub-No. 389), Transit Homes, Inc., now assigned January 19, 1978, at New Orleans, La., will be held in East Courtroom 223, U.S. Court of Appeals, 600 Camp Street.
- MC 119792 (Sub-No. 64), Chicago Southern Transportation Co., now assigned January 23, 1978, at New Orleans, La., will be held in East Courtroom 223, U.S. Court of Appeals, 600 Camp Street.
- MC 114552 (Sub-No. 130), Senn Trucking Co., now assigned January 24, 1978, at New Orleans, La., will be held in East Courtroom 223, U.S. Court of Appeals, 600 Camp Street.
- MC 107839 (Sub-No. 172), Denver-Albuquerque Motor Transit, Inc., now assigned January 17, 1978, at New Orleans, La., will be held in East Courtroom 223, U.S. Court of Appeals, 600 Camp Street.
- MC 141804 (Sub-No. 63), Western Express, now assigned January 18, 1978, at Little Rock, Ark., will be held in the Internal Revenue Service Hearing Room 3406, 3d floor, 3700 West Capitol Avenue.
- MC-F-13219, Dodds Truck Line, Inc.—Purchase—Bennett Truck Line, Inc., now assigned January 23, 1978, at Little Rock, Ark., will be held in the Internal Revenue Service Hearing Room 3406, 3d floor, 3700 West Capitol Avenue.
- MC 120257 (Sub-No. 39), K. L. Breeden & Sons, Inc., now assigned January 17, 1978, at Little Rock, Ark., will be held in the Internal Revenue Service Hearing Room 3406, 3d floor, 3700 West Capitol Avenue.
- I & S M 29667 (Sub-No. 1), Commuter Pares, between Washington, D.C., Maryland, and Virginia, now being assigned January 19, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.
- MC 98864 (Sub-No. 2), Edward Sitar Trucking Co., Inc., now assigned January 24, 1978, at Chicago, Ill., and will be held in room 834, Everett McKinley Dirksen Building, 219 South Dearborn Street.
- MC 142466 (Sub-No. 1), Timber Products Transport, Inc., now assigned January 23, 1978, at Salem, Oreg. and will be held in room 346, State Capitol Building.
- MC 70470 (Sub-No. 8), Film Transit Co., now assigned January 23, 1978, at Lincoln, Nebr., and will be held in Bankruptcy Courtroom 543, Federal Building and Courthouse, 100 Centennial Mall North.
- MC 40978 (Sub-No. 31), Chair City Motor Express Co., now assigned January 18, 1978, at Chicago, Ill., and will be held in room 905, 536 South Clark Street.
- MC 135195 (Sub-No. 3), Stover Air Cargo, Inc., now assigned January 30, 1978, at Chicago, Ill., and will be held in room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.
- MC 142487 (Sub-No. 1), J. & K. K., Inc., now assigned January 31, 1978, at Olympia, Wash., and will be held in room 733, Highway and License Building, 12th and Capitol Way.
- MC 133565 (Sub-No. 11), True Transport, Inc., now being assigned March 6, 1978 (1 week), at New York, N.Y., in a hearing room to be later designated.
- MC 133689 (Sub-No. 132), Overland Express, Inc., now assigned January 4, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.
- MC 106274 (Sub-No. 25), Raeford Trucking Co., now assigned January 6, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.
- MC 143246 (Sub-No. 1), Land Transportation Corp., now assigned January 9, 1978,

at Boston, Mass., will be held on the 5th floor, 150 Causeway.

MC 141164 (Sub-No. 2), John E. Cox, now assigned January 11, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.

MC 119654 (Sub-No. 34), Hi-Way Dispatch, Inc., now assigned January 17, 1978, at Chicago, Ill., will be held in room 3855A, 230 South Dearborn Street.

MC 133689 (Sub-No. 126), Overland Express, Inc., MC 113678 (Sub-No. 673), Curtis, Inc., and MC 124211 (Sub-No. 293), Hilt Truck Line Inc., now assigned January 18, 1978, at Chicago, Ill., will be held in room 3855A, 230 South Dearborn Street.

MC-F-12472, Spector Freight System, Inc.—Control and Merger—Henniss Freight Lines, Inc., of Nebraska & Control—M & M Tank Lines, Inc., M & M Tank Lines of Virginia Inc., Henniss Freight Lines, of Canada Ltd., now assigned January 23, 1978, at Chicago, Ill., will be held in room 3855A, 230 South Dearborn Street.

MC 133689 (Sub-No. 110), Overland Express, Inc., and MC 134477 (Sub-No. 160), Schanno Transportation, Inc., now assigned January 17, 1978, at St. Paul, Minn., will be held in Courtroom 2, Federal Building, 316 North Robert Street.

MC 142715 (Sub-No. 5), Lenerez, Inc., now assigned January 19, 1978, at St. Paul, Minn., will be held in Courtroom 2, Federal Building, 316 North Robert Street.

MC 114211 (Sub-No. 297), Warren Transport, Inc., now assigned January 23, 1978, will be held in Courtroom 2, Federal Building, 316 North Robert Street.

MC 123797 (Sub-No. 5), Atlantic Interstate Messengers, Inc., now being assigned March 6, 1978 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 143632, Jones Bus Co., Inc., now being assigned March 6, 1978 (1 week), at Norfolk, Va. in a hearing room to be later designated.

MC-F-13196, and MC 135874 (Sub-No. 83), LILPerishables Inc.—Purchase—Benson Transport, Inc., now assigned January 25, 1978, at St. Paul, Minn., will be held in Courtroom 2, Federal Building, 316 North Robert Street.

AB 43 (Sub-No. 26), Illinois Central Gulf Railroad Co. abandonment near Hardwood, La. and Woodville, Miss. in West Feliciana Parish, La. and Wilkinson County, Miss., now assigned January 18, 1978, at Woodville, Miss., will be held in courtroom, Main Street.

MC 143185, Lorenz Transport & Ship Lines, Inc., now assigned January 23, 1978, at Birmingham, Ala., will be held in Courtroom 5, 3d floor, U.S. Courthouse and Federal Building, 1800 5th Avenue, North.

MC 94201 (Sub-No. 147), Bowman Transportation, Inc., now assigned January 24, 1978, at Birmingham, Ala., will be held in Courtroom 5, 3d floor, U.S. Courthouse and Federal Building, 1800 5th Avenue, North.

MC-F-13267, William Corbitt Inc.—Purchase (portion)—Wm B. Duff Carting Co., Inc., Louis A. Ryan, trustee in bankruptcy, now assigned January 25, 1978, at New York, N.Y., will be held in building 2, room 2, 24th Floor, Versey Street, World Trade Center, directly related to MC 2366 (Sub-No. 6), William Corbitt, Inc.

MC 117119 (Sub-No. 643), Willis Shaw Frozen Express, Inc., now assigned January 24, 1978, at New York, N.Y., will be held in building No. 2, room No. 2, 24th Floor, Versey Street, World Trade Center.

MCC-9854, Marotta Air Service, Inc., investigations of operations, now assigned January 23, 1978, will be held in building No. 2, room No. 2, 24th Floor, Versey Street, World Trade Center.

MC 112822 (Sub-No. 421), Bray Lines, Inc., now assigned January 24, 1978, at Chicago, Ill., will be held in room 209, 536 South Clark Street.

MC 133703 (Sub-No. 7), Wisconsin Cheese Service, Inc., now assigned January 25, 1978, at Chicago, Ill., will be held in room 209, 536 South Clark Street.

MC 113651 (Sub-No. 217), Indiana Refrigerated Lines, Inc., now assigned January 26, 1978, at Chicago, Ill., will be held in room 209, 536 South Clark Street.

MC 135236 (Sub-No. 17), Logan Trucking Inc., now assigned January 30, 1978, at Chicago, Ill., will be held in room 350, 230 South Dearborn Street.

MC 141804 (Sub-No. 44), Western Express, division of Interstate Rental, Inc., now assigned February 6, 1978, will be held in room 510, 211 Main Street.

MC 1934 (Sub-No. 40), the Arrow Line, Inc., now assigned January 30, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.

MC 134477 (Sub-No. 175), Schanno Transportation, Inc., now assigned January 25, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.

MC 142177 (Sub-No. 1), B.W.C.S., Inc., now assigned January 24, 1978, at Boston, Mass., will be held on the 5th floor, 150 Causeway.

I & S M 29681, Restructured LTL & A Q Class Rates, December 1977, S.M.C.R.C., now being assigned January 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-13232, Jack Gray Transport—Purchase—Jack McPeely, d.b.a. McPeely Trucking, Inc., and MC 12577 (Sub-No. 190), Jack Gray Transport, Inc., now assigned January 25, 1978, at Columbus, Ohio, is being advanced to January 18, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-13275, Consolidated Freightways Corp. of Delaware—Purchase—G. E. Wolfe Transportation Lines, Inc., and MC 42487 (Sub-No. 876), Consolidated Freightways Corp. of Delaware, now assigned January 9, 1978, at Buffalo, N.Y., and will be held in room 1440, Federal Building, 111 West Huron Street.

MC 113843 (Sub-No. 245), Refrigerated Food Express, Inc., now assigned January 5, 1978, at Buffalo, N.Y., and will be held in room 1440, Federal Building, 111 West Huron Street.

MC 123233 (Sub-No. 76), Provost Cartage, Inc., now assigned January 4, 1978, at Buffalo, N.Y., and will be held in room 1440, Federal Building, 111 West Huron Street.

MC 67866 (Sub-No. 33), Film Transit, Inc., now assigned January 17, 1978, at Memphis, Tenn., and will be held at the Travel Lodge, 3222 Airways Boulevard and Brooks Road.

MC 60014 (Sub-No. 50), Aero Trucking, Inc., now assigned January 31, 1978, at Houston, Tex., and will be held in room 7006, Federal Building and Courthouse, 515 Rusk Avenue.

MC-F-13164, Overnite Transportation Co.—Purchase—Bonifield Bros. Truck Lines,

Inc., and MC 109533 (Sub-No. 85), Overnite Transportation Co., now being assigned February 22, 1978, for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36118 Filed 12-16-77; 8:45 am]

[7035-01]

[Notice No. 270]

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 January 18, 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 protests 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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77406, filed November 14, 1977. Transferee: NEYRINCK BROS. INC., 7140 Riga Highway, Riga, Mich. 49276. Transferor: Rainey Neyrinck & Albert Neyrinck, a partnership, d.b.a. Neyrinck Bros., (same address as transferee). Applicant's representative: Aloysius B. O'Mara, 105 West Jefferson, Blissfield, Mich. 49228. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 128641, issued September 30, 1968, as follows: Fertilizer, fertilizer

ingredients, and farm chemicals, in bags and bulk, other than in tank or hopper-type equipment, between points in Ohio, north and west of U.S. Highways 13 and 40, including points on such highways, on the one hand, and, on the other, points in Michigan on and south of U.S. Highway 10, beginning at and including Bay City, Mich. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77427, filed November 25, 1977. Transferee: HANFELD BROS., INC., route 1, Burnett, Wis. 53922. Transferor: Jerome M. Haack, route 1, Deerfield, Wis. 53531. Applicant's representative: Edward Solie, attorney-at-law, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought for purchase by transferee of the operating rights of transferor set forth in permit No. MC 134839 (Sub-No. 2), issued September 29, 1971, as follows: *Feeds, feed supplements, and feed ingredients, and medications, used in treating animals and poultry in mixed loads between Howard Lake, Minn., on the one hand, and, on the other, points in Illinois, Iowa, and Wisconsin, restricted against bulk transportation.* Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

No. MC-FC-77441, filed December 5, 1977. Transferee: DUNAVANT TRUCKING CO., INC., route 2, Box 154, Gravois Mills, Mo. 65037. Transferor: Thurman E. Dunavant, route 2, Box 154, Gravois Mills, Mo. 65037. Applicant's representative: Kenneth O. McCutcheon, Jr., attorney-at-law, Gunn Building, Versailles, Mo. 65084. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permit No. MC 117297, issued April 7, 1959, as follows: *Concrete building bricks, blocks, and lintels and terrazzo building bricks, blocks, and lintels, from Kansas City, Mo., to points in Kansas; and Pallets and damaged bricks, blocks, or lintels, from points in Kansas to Kansas City, Mo.* Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Slaton Concrete Products, Kansas City, Mo.; Terra-Block, Inc., Kansas City, Mo. Transferee presently holds no authority from this Commission. Application has not been

filed for temporary authority under section 210a(b).

No. MC-FC-77444, filed December 7, 1977. Transferee: ROBERT M. DE-JONGE, R.D. No. 4 Beaver Hill Road, Wellsville, N.Y. 14895. Transferor: James E. Wilson, R.D. No. 2, Couderport, Pa. 16915. Applicants' representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in certificate No. MC 127197 (Sub-No. 1 and Sub-No. 6), issued July 13, 1965, and January 26, 1973, respectively as follows: *Bananas, from Baltimore, Md., and Weehawken, N.J., to Olean, N.Y., with no transportation for compensation on return except as otherwise authorized. Bananas, from Albany, N.Y., to points in that part of New York State on and west of New York Highway 15, 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).

No. MC-FC-77447, filed December 6, 1977. Transferee: TPC TRANSPORTATION CO., 41 Cleveland Road East, Huron, Ohio 44839. Transferor: George Ritzler, 6954 State Road 19, Bloomville, Ohio 44818. Applicant's representative: Gerald P. Wadkowski, attorney-at-law, 85 East Gray Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permit No. MC 141770, issued December 20, 1976, as follows: *Grain and animal feed, in bulk, from Fostoria, Bellevue, Marion, Delphos, and Huron, Ohio, and Logansport and Frankfort, Ind., to points in New York, Pennsylvania, and West Virginia, with no transportation for compensation on return except as otherwise authorized.* Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Pillsbury Co., Inc. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77448, filed December 7, 1977. Transferee: EUGENE RANDOLPH STILL, JR., 1109 Radcliffe Avenue, Kingsport, Tenn. 37684. Transferor: Elmer Bailey Gibson, 807

West Main Street, Appalachia, Va. 24614. Applicant's representative: Harry J. Jordan, attorney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights of transferor set forth in certificate No. MC 64240, issued April 18, 1972, as follows: *General commodities, with the usual exceptions, between Appalachia, Va., on the one hand and, on the other, points in Virginia, and those in Kentucky within 50 miles of Appalachia, Va.; and household goods between points in Harlan and Letcher Counties, Ky., and Dickenson and Wise Counties, Va., on the one hand and, on the other, points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia and between points in Lee County, Va., on the one hand and, on the other, points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.* Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36119 Filed 12-16-77; 8:45 am]

[7035-01]

[Notice No. 269]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-77454. By application filed December 8, 1977, H AND S TRANSFER, INC., 3109 Crestline Drive, Steubenville, Ohio 43952, seeks temporary authority to transfer the operating rights of Stony's Trucking Co., 6135 Catawba Drive, Canfield, Ohio 44406, under section 210a(b). The transfer to H and S Transfer, Inc., of the operating rights of Stony's Trucking Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-36120 Filed 12-16-77; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6335-01]

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: December 17, 1977; 2 p.m.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Telephone conference call. Closed to the public.

MATTERS TO BE CONSIDERED: Review and discussion of age discrimination study, draft report.

PERSON TO CONTACT FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-2106-77; Filed 12-15-77; 3:48 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, December 15, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following items should be deleted:

Agenda	Item No.	Subject
General	1	Amendment of pt. 15 of the Commission's rules to prohibit manufacture of UHP receivers, after May 1, 1979, with noise figures in excess of 14dB (Docket No. 21010).
Aural	1	Applications for construction permits for new broadcast stations in California filed by Baker-Smith Communications Co. (Burbank), and A.W.A.R.E. Communications, Inc. Lotus Communications Corp., Poothill Broadcasting Corp. (Pasadena).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: December 14, 1977.

[S-2098-77 Filed 12-15-77; 3:01 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, December 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda	Item No.	Subject
General	1	Rules changes to expand the cable television relay service band from 12.7-12.95 to 12.7-13.20 GHz.
	2	Amendment of pts. 2, 81, and 83 of the Commission's rules in frequencies and operating procedures relating to the use of radiotelephony in the maritime services.
Safety and special radio service.	1	Waiting period for filing applications in the safety and special radio services after a denial, a dismissal with prejudice or after a revocation (Docket No. 21351).
	2	Amendment of sec. 87.251(b) of the Commission's rules to clarify who must be given written notice of an application for an aeronautical advisory station license.

Agenda	Item No.	Subject
Common carrier.	1	Additional channels of program material received through satellite earth stations.
Cable television.	1	Request for tax certificate, filed by Truth Publishing Co., Inc., former part owner of Valley Cablevision Corp.
	2	Application for certificate of compliance and request for special relief (CAC-10270), filed by Keystone Cable-Vision Corp. for a new cable television system at Pittsburgh, Pa.
	3	Petitions for stay of the Commission decision in <i>Vanhu, Inc.</i> (Seattle, Wash.) filed by United Community Antenna Systems, Inc., and Tele-Vue Systems, Inc. and KIRO, Inc.'s objections.
Renewal	1	Applications for renewal of license for stations WIYN, Rome, Ga., and WPLK, Rockmart, Ga.
	2	WIOO(AM), Carlisle, Pa. comparative hearing.
	3	Application of Gordon L. Gay for renewal and assignment of license of station KKAT, Roswell, N. Mex. and application of Andromeda Broadcasting, Las Vegas, Nev., for construction of station in Roswell, N. Mex.
	4	Renewal of licenses of Halifax Broadcasting Co. for WHLF and WJLC-FM, South Boston, Va.
Broadcast	1	Petition for reconsideration of previous decision to assign channel 243 to Crestview, Fla., instead of Fort Walton Beach, Fla.
	2	Consequences of waiver of hearing in a revocation proceeding (Docket No. 21312).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: December 14, 1977.

[S-2099-77 Filed 12-15-77; 3:01 pm]

[6712-01]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., open meeting, Wednesday, December 21, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda	Item No.	Subject
Complaints and Compliance.	1	Field investigation into the operations of KRZE and KRAZ-FM, Farmington, N. Mex.
	2	Results of investigation into the operations of KVVU (FM), Dallas, Tex.
Hearing.....	1	Motion for stay and expedited consideration in the Birmingham, Demopolis, and Montgomery, Ala. comparative educational TY proceeding (Docket Nos. 20675-6).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, 202-632-7260.

Issued: December 14, 1977.

[S-2097-77 Filed 12-15-77; 3:01 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published December 15, 1977, 42 FR 63280.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 20, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item, Docket No., and Company

- ER-6—E-9597 and E-9306, Nevada Power Co. and California Pacific Utilities Co.
 ER-7—ER76-90, Boston Edison Co.
 ER-8:
 (A) ES77-60, Louisville Gas & Electric Co.
 (B) ES76-81, Baltimore Gas & Electric Co.
 (C) ES77-58, Central Telephone & Utilities Corp.
 (D) ES78-1, Detroit Edison Co.
 (E) ES78-5, Gulf States Utilities Co.
 M-2—Reexamination of special relief and related cost issues involving gas producers.
 M-3—RM75-25, policy with respect to certification of pipeline transportation agreements.
 RP-10—RP-73-97, Kentucky West Virginia Gas Co.
 CI-3—CI75-45, et al., Tenneco Oil Co., et al.
 CP-6—CP77-71, Natural Gas Pipeline Co. of America; CP77-118, Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.; CP77-125, Texas Gas Transmission Corp.

KENNETH F. PLUMB,
Secretary.

[S-2105-77 Filed 12-15-77; 3:48 pm]

[6730-01]

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 9, 1977, 42 FR 62248.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: December 14, 1977, 10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the open session:

9. Election of Thomas F. Moakley as Vice Chairman, Federal Maritime Commission.

[S-2102-77 Filed 12-15-77; 3:12 pm]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: December 16, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Agreement No. T-3547: 1977-1980 International Longshoremen's Association/carrier job security program.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-2103-77; Filed 12-15-77; 3:01 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of December 19, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

MONDAY, DECEMBER 19

9:30 a.m.—Discussion of draft Seabrook opinion (closed—exemption) (time is approximate) (continuation of December 14, 1977, meeting).

TUESDAY, DECEMBER 20

10 a.m.—Meeting on GESMO (approximately 1½ hours) (public meeting) (as previously announced).

1:30 p.m.—Meeting requested by AIF on licensing reform and other issues (as previously announced) (approximately 1 hour) (public meeting).

NOTE.—Discussion of fiscal year 1978 domestic safeguards technical assistance contractual projects (approximately 1 hour) (public meeting) is postponed to a date to be announced.

WEDNESDAY, DECEMBER 21

9:30 a.m.—1. Briefing on comprehensive evaluation report on the United Nuclear Fuel Facility at Wood River Junction, Rhode Island (approximately 1 hour) (closed—exemption 1) (rescheduled from December 20, 1977). 2. Discussion of personnel matter (approximately 1½ hours) (closed—exemption 6).

1:30 p.m.—1. Discussion of litigation on Sheffield (Ill.) low level waste facility (approximately 1 hour) (public meeting). 2. State Department briefing on export and nonproliferation matters (approximately 1½ hours) (closed—exemptions 1 and 9) (rescheduled from December 16, 1977).

THURSDAY, DECEMBER 22

9:30 a.m.—Review of comments and analysis by staff of UCS petition; statements by participants opposed to the petition (approximately 2 hours) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

DECEMBER 14, 1977.

[S-2100-77 Filed 12-15-77; 3:01 pm]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, December 20, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

9:00 a.m.—1. Briefing on comprehensive evaluation report on the United Nuclear Fuel Facility at Wood River Junction, R.I. (approximately 1 hour) (closed—exemption 1). 2. Meeting on GESMO (approximately 1½ hours) (public meeting) (continuation of December 7, 1977 meeting).

1:30 p.m.—1. Meeting requested by AIF on licensing reform and other issues (approximately 1 hour) (public meeting). 2. Discussion of fiscal year 1978 domestic safeguards technical assistance contractual projects (approximately 1 hour) (public meeting) (continuation of December 8, 1977 meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

DECEMBER 13, 1977.

[S-2104-77 Filed 12-15-77; 3:01 pm]

SUNSHINE ACT MEETINGS

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 14, 1977, 42 FR 63010.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, December 15, and Friday, December 16, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed (changes).

CHANGES IN THE MEETING: 1. The briefing by Carl Bennett (closed) is rescheduled from December 16 to 10:30 a.m., December 15, 1977. 2. The State Department briefing (closed) is rescheduled from December 16 to 2:30 p.m., December 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

DECEMBER 13, 1977.

[S-2101-77 Filed 12-15-77; 4:25 pm]

[7600-01]

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2 p.m., December 20, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: December 15, 1977.

[S-2096 Filed 12-15-77; 3:01 pm]

Register
Federal

MONDAY, DECEMBER 19, 1977

PART II



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Federal Insurance
Administration



APPEALS FROM FLOOD
ELEVATION
DETERMINATION AND
JUDICIAL REVIEW

Flood Elevation Determinations for
Various Communities

[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-3382]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Herculanum, Jefferson 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 Herculanum, Jefferson 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 Herculanum, Jefferson County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Herculanum, are available for review at City Clerk's Office, City Hall, No. 1 Parkwood Court, Herculanum, Mo. 63048.

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 Herculanum, Jefferson 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 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
Joachim Creek	1,300 ft downstream of Missouri Illinois R.R.	412
	100 ft downstream of Interstate 55.	412
Hidden Valley Creek	At confluence with Joachim Creek.	412
	100 ft downstream of Commercial Blvd.	412
	100 ft upstream of Commercial Blvd.	415
	1,650 ft upstream of Commercial Blvd.	417
	3,050 ft upstream of Commercial Blvd.	428
	At city limits.	446
Bonscher Creek	At confluence with Joachim Creek.	412
	300 ft downstream of Lake Dr.	423
	At Lake Dr.	423
	250 ft downstream of Highway 61 spur.	430
	At Highway 61 spur.	436
	250 ft upstream of Interstate 55.	412
Mississippi River	Southern corporate limits.	413
	Northern corporate limits.	413

(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 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35893 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3155]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Gearhart, Clatsop County, Ore.

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 Gearhart, Clatsop County, Ore.

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 Gearhart, Ore.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gearhart, are available for review at City Hall, Pacific Way, Gearhart, Ore.

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 Gearhart, Ore.

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 the final base (100-year) flood elevations 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
Neacoxie Creek	G St.	12
	Pacific Way.	13
Neawanna Creek	Oster Rd.	11
	1st St.	11
Airport Creek	6th St.	12
Pacific Ocean	West of Neacoxie Blvd. North of 5th St.	26
	West of Neacoxie Blvd. North of Pacific Way.	23
	West of Ocean Ave. North of E St.	27
	West of Ocean Ave. Near G St.	29
	Southwest of Ocean Ave.	22
	South of Ocean Ave.	18
	Southeast of Ocean Ave.	14

(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: October 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35899 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3390]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Brandon, Rutland 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 Brandon, Rutland 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 Brandon, Rutland County, Vt.

ADDRESSES: Maps and other information showing detailed outlines of the flood prone areas and the final elevations for the Town of Brandon, are available for review at Town Manager's Office, Town Office Building, Center Street, Brandon, Vt. 05733.

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 Brandon, Rutland 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
Nashole River	500 ft downstream of Clay St.	362
	100 ft upstream of Clay St.	384
	1,300 ft upstream of Clay St.	395
	50 ft downstream of Vermont Ry.	397
	100 ft upstream of Vermont Ry.	373
	1,600 ft upstream of Vermont Ry.	374
	2,500 ft upstream of Vermont Ry.	410
	300 ft upstream of Center St. (below dam)	423
	400 ft upstream of Center St. (above dam)	430
	3,000 ft downstream of Wheeler Rd.	433
	At Wheeler Rd.	435
	800 ft downstream of Welton Rd.	436
	50 ft downstream of Welton Rd.	441
	100 ft upstream of Welton Rd.	450
	600 ft upstream of Welton Rd.	456
	100 ft downstream of Town Farm Rd.	479
	100 ft upstream of Town Farm Rd.	486
	1,300 ft upstream of Town Farm Rd.	496
	4,500 ft upstream of Town Farm Rd.	508
	100 ft upstream of State Route 53.	570
Arnold Brook	1,600 ft upstream of State Route 53.	615
	800 ft downstream of Arnold District Rd.	604
	25 ft downstream of Arnold District Rd.	439
	At Arnold District Rd.	443
	250 ft upstream of Arnold District Rd.	443

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17504, 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 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35900 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-2885]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Lyndon, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Lyndon, Vt. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Lyndon, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Lyndon are available for review at Town Hall, 24 Main St., Lyndonville, 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 Lyndon.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passumpsic River	Railroad bridge	689
	U.S. 8	707
	Vermont 122	708
	At confluence with Millers Run	709
	U.S. 8	709
	Vermont 114	711
	Railroad bridge	716
	Vermont 114	717
	TH 36	718
	TH 40	741
Calendar Brook	Vermont 114	752
	Route 3	734
Hawkins Brook	TH 69	689
	TH 6	706
Millers Run	Vermont 122	709
	I-91	714
Wheelock Branch	TH 31	718
	SA 10	708
	I-91	708
	TH 1	708
	TH 82	709

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

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35901 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3003]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JU- DICIAL REVIEW

Final Flood Elevation Determination for
the Town of Moretown, Vt.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Moretown, Vt. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Moretown, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Moretown are available for review at Town Clerk's Office, Route 100B, Moretown, Vt.

FOR FURTHER INFORMATION CON- TACT:

Mr. Richard Krimm, Assistant Admin-
istrator, 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 More-
town.

This final rule is issued in accordance
with Section 110 of the Flood Disaster
Protection Act of 1973 (Pub. L. 93-234),
87 Stat. 980, which added Section 1363
to the National Flood Insurance Act of
1968 (Title XIII of the Housing and
Urban Development Act of 1968 (Pub. L.
90-448), 42 U.S.C. 4001-4128, and 24
CFR Part 1917).

An opportunity for the community or
individuals to appeal this determination
to or through the community for a pe-
riod of ninety (90) days has been pro-
vided. No appeals of the proposed base
flood elevations were received from the
community or from individuals within
the community.

The Administrator, to whom the
Secretary has delegated the statutory
authority, has developed criteria for
flood plain management in flood-prone
areas in accordance with 24 CFR Part
1910.

The final 100-year flood elevations for
selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River	Route 100B	612
	Town Highway No. 31	600
	Route 100B	576
	Munn Bridge	559
	Route 100B	490
	Town Highway No. 11	460
Winouski River	Vermont Route 100B	499
	U.S. Route 2	446

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

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35902 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3392]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JU- DICIAL REVIEW

Final Flood Elevation Determinations for
the Town of Northfield, Washington
County, Vt.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood
elevations are listed below for selected
locations in the Town of Northfield,
Washington County, Vt. These base (100-
year) flood elevations are the basis
for the flood plain management meas-
ures 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 issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the Town of Northfield,
Vt.

ADDRESSES: Maps and other informa-
tion showing the detailed outlines of the
flood-prone areas and the final eleva-
tions for the Town of Northfield, are
available for review at Municipal Build-
ing, Main Street, Northfield, Vt.

FOR FURTHER INFORMATION CON- TACT:

Mr. Richard Krimm, Assistant Admin-
istrator, 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
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 com-
munity for a period of ninety (90) days
has been provided. No appeals of the pro-
posed base flood elevations were received
from the community or from individuals
within the community.

The Administrator has developed cri-
teria 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
Dog River	Route 12A	897
	Stoney Brook Rd.	777
	Kingsford Bridge (upstream)	735
	Kingsford Bridge (downstream)	733
Cox Brook	Route 12	668
	Queen Post Covered Bridge	655
Union Brook	Central Vermont RR	654
	Pleasant St. (inside village limits)	733
Sunny Brook	Route 12	853
	Lovers Lane	787
	Route 12A	796

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35903 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3221]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Cloud Lake, Palm Beach County, Fla.

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 Cloud Lake, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Cloud Lake, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Cloud Lake, are available for review at Town Hall, 1 Lang Rd., Cloud Lake, Fla.

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 Cloud Lake, Florida.

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
Rainfall and ponding	Lang Rd.	12

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35904 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3278]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Palm Beach, Palm Beach County, Fla.

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 Palm Beach, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Palm Beach, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Palm Beach, are available for review at Town Hall, 360 South County Rd., Palm Beach, Fla.

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 Palm Beach, Florida.

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. 90-488), 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
Atlantic Ocean	South Ocean Blvd. and State Road A-1-A	7
	South Ocean Blvd. and Kings Rd.	7
	South Ocean Blvd. and Sea View Ave.	7
	North County Rd. and Sanford Lane	7
	North Ocean Blvd. and Dolphin Rd.	7
Lake Worth at coast	Lake Trail Way and El Pueblo Way	7
	Lake Trail Way and Wells Rd.	7
	Lake Dr. and Peruvian Ave.	7
Inland	State Road A-1-A to south corporate limits	7
	State Road A-1-A and South Ocean Blvd.	7
	South Ocean Blvd. and Ocean View Rd.	7
	Cocconut Row and Sea Spray Ave.	7
	North Lake Way and Cherry Lane	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. 77-35905 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3279]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of South Palm Beach, Palm Beach County, Fla.

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 South Palm Beach, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of South Palm Beach, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of South Palm Beach, are available for review at Town Hall, 3577 South Ocean Blvd., South Palm Beach, Fla.

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 South Palm Beach, Florida.

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 com-

munity 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
Atlantic Ocean.....	Shore line north and south to corporate limits.	7
Lake Worth at coast.....	Shore line north and south to corporate limits.	7
Inland.....	880 ft north along Ocean Blvd. from intersection of Ocean Ave. and Ocean Blvd.	7
	2,600 ft north along Ocean Blvd. from intersection of Ocean Ave. and Ocean Blvd.	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. 77-35906 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3179]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Spencer County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Spencer County, Ind.

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 Spencer County, Ind.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Spencer County, are available for re-

view at Spencer County Courthouse, Rock Port, Ind.

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 Spencer County, Ind.

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.....	Upstream county limits.	397
	U.S. Highway 231.....	389
Little Pigeon River.....	State Road 161.....	387
	Downstream county limits.	384

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35907 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3400]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Lindsborg, McPherson County, Kans.

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 Lindsborg, McPherson County, Kans.

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 Lindsborg, McPherson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lindsborg, McPherson County, Kans., are available for review at the City Hall, Lindsborg, Kans.

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 Lindsborg, McPherson County, Kans.

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
Cow Creek.....	North corporate limit.....	1,321
	Columbus St.....	1,324
	Swenson St.....	1,327
	Madison St.....	1,328
	Third St.....	1,330
	Grant St.....	1,331
Smoky Hill River..	West corporate limit..	1,334
	East corporate limit..	1,325
	Second St. (extended)..	1,326
	South corporate limit..	1,326
West Fork Cow Creek..	North corporate limit..	1,324
	West corporate limit..	1,326

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35908 Filed 12-16-77;8:45 am]

[4210-01]

[Docket No. FI-3225]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Park, Ottawa County, Mich.

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 Park, Ottawa County, Mich.

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 Park, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Park, are available for review at Township Hall, 1464 Ottawa Beach Road, Holland, Mich.

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 Park, Mich.

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
Pine Creek.....	Ottawa Beach Rd....	584
	West Lakewood Blvd..	586
	James St.....	590

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35909 Filed 12-16-77;8:45 am]

[4210-01]

[Docket No. FI-3285]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Port Sheldon, Ottawa County, Mich.

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 Port Sheldon, Ottawa County, Mich.

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 Port Sheldon, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Port Sheldon, are available for review at Township Hall, 16201 Port Sheldon Road, West Olive, Mich.

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 Port Sheldon, Mich.

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
Lake Michigan.....	Van Buren St. (extended).	584
	New Holland St. (extended).	584

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35910 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3409]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Wisner, Tuscola County, Mich.

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 Wisner, Tuscola County, Mich. 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 Wisner, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Wisner, are available for review at Township Office, 9384 West Bay City-Forestville Rd., Fairgrove, Mich.

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 Wisner, Michigan.

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
Saginaw Bay.....	Shore end—Allen Rd.	585
	Manke Rd.....	585

(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 Adminis-

trator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-35911 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3030]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Claiborne County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Claiborne County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Claiborne County, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Claiborne County, are available for review at Claiborne County Courthouse, Port Gibson, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Claiborne County, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(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
Mississippi River...	South county line.....	88
Bayou Pierre.....	U.S. Highway 61 (downstream side).	101
Little Bayou Pierre.	U.S. Highway 61 (upstream side).	101

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35912 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3381]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Inverness, Sunflower County, Miss.

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 Inverness, Sunflower County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Inverness, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Inverness, are available for review at Town Hall, East Grand Avenue, Inverness, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the Town of Inverness, Mississippi.

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
Tributary 3.....	Upstream corporate limits.	113
	Downstream corporate limits.	112
Mound Bayou.....	Baird St.....	116
	Grand Ave.....	115
Tributary 2.....	Upstream corporate limits.	118
Tributary 1.....	Do.....	119

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35913 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3292]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Platte City, 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 City of Platte City, 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 City of Platte City, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Platte City, are available for review at City Hall, Main Street, Platte City, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Platte City, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Platte River.....	Highway M-92 (downstream side).	783
	Highway M-92 (upstream side).	785

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35914 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3200]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**Final Flood Elevation Determinations for The Town of Ruleville, Sunflower County, Miss.**

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 Ruleville, Sunflower County, Miss.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NIPP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Ruleville, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Ruleville, are available for review at Town Hall, 200 Floyce Street, Ruleville, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Ruleville, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(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
Dougherty Bayou	Floyce St.	134
Tributary 3	Corporate limits	135
Tributary 2	Lynn St.	133
Tributary 1	Unnamed road	132
	Floyce St.	135

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35915 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3293]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**Final Flood Elevation Determinations for The Township of Cinnaminson, Burlington 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 Cinnaminson, Burlington 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 Cinnaminson, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cinnaminson, are available for review at Township Hall, 1621 Riverton Road, Cinnaminson, 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 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 Cinnaminson, 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
Pompaeton Creek and west branch	Riverton Rd.—Moorestown Rd.	*31
	Parry Rd.	28
	Devon Rd.	*28
	Wayne Ave.	*24
	Willow Dr.	22
	U.S. Route 130	*18
	North Broad St.	10
	Parry-New Albany Rd.	*34
East and south-east branch of Pompaeton Creek	School driveway	*25
	Highland Ave.	54
Jacks Run	Thomas Ave.	*27
	Cherry Lane	19
	Main St.	15
Phoenix Run	Waterford Dr.	*38
Pennsauken Creek and south branch	New Jersey Route 73	10
	U.S. Route 130	10
North branch of Pennsauken Creek	Fork Landing Rd.	10

*Elevation downstream of bridge.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35916 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3386]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**Final Flood Elevation Determinations for The Town of Rockwell, Rowan 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 Rockwell, Rowan 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 Rockwell, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Rockwell, are available for review at Town Hall, Rockwell, 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 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 Rockwell, 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
Peeler Branch.....	Sides Branch confluence, Broad St.....	730
	do.....	740
	Market St.....	743
	do.....	745
	do.....	750
Bost Branch.....	Lower Stone Church Rd.....	710
	do.....	724
	China Grove Highway.....	760
	do.....	765

*Downstream.
**Upstream.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35917 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3387]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Warrenton, Clatsop 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 Warrenton, Clatsop 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 Warrenton, Oreg.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Warrenton, are available for review at City Hall, 147 Southwest Main Street, Warrenton, 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 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 Warrenton, 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
Columbia River....	Bank of Columbia River.....	9
	Harbor St.....	9
Lewis and Clark River.....	Warren Astoria Highway, Clatsop County Airport.....	7
Skipanon Slough....	Harbor St.....	6
Skipanon River....	Columbia Beach Rd., Oregon Coast Highway 101.....	8
Alder Creek.....	Fort Stevens Highway.....	4

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35918 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3394]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of West Helena, Phillips County, Ark.

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 West Helena, Phillips County, Ark. 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 West Helena, Phillips County, Ark.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of West Helena, Phillips County, Ark., are available for review at the City Clerk's Office, Municipal Building, West Helena, Ark.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-872, 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 West Helena, Phillips County, Ark.

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
Caney Creek	Corporate limits downstream of Little Rock Rd.	209
	Upstream of Oakland Ave.	252
	Northernmost corporate limits.	260
Caney Creek lateral "A".	Upstream of southern corporate limits.	234
Caney Creek lateral "B".	Downstream of Anderson Ave.	261
Caney Creek lateral "D".	Corporate limits	210
	Upstream of Ashlar St.	223
Crooked Creek	Corporate limits	244
	Upstream of Kentucky St.	248
	Upstream of Anderson Ave.	255
	Upstream of North 6th St.	259
	Downstream of North 9th St.	271
Crooked Creek lateral "A".	Downstream of Hill Rd.	276
Crooked Creek lateral "B".	Corporate limits	238
Crooked Creek lateral "C".	do	238
	Upstream of Sebastian.	242
	Downstream of Plaza Ave.	255

(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 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35919 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3183]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Merriam, Johnson County, Kans.

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 Merriam, Johnson County, Kans. 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 Merriam, Johnson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Merriam, are available for review at City Hall, 9000 West 62nd Ter., Merriam, Kans. 66202.

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 Merriam, Johnson County, Kans.

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
Turkey Creek	Antioch Rd Bridge	886
	St. Louis and San Francisco Railroad Bridge.	896
	1,750 ft upstream of St. Louis and San Francisco Railroad Bridge.	898
	Merriam Lane Bridge.	910
	750 ft upstream of Johnson Drive Bridge.	912
	1,600 ft upstream of Johnson Drive Bridge.	916
	100 ft upstream of 63rd Street Bridge.	938
	1,850 ft downstream of 67th Street Bridge.	940
	150 ft downstream of 67th Street Bridge.	943
	50 ft upstream of 67th Street Bridge.	945
	2,150 ft upstream of 67th Street Bridge.	946
	1,900 ft downstream of 75th Street Bridge.	960
	1,900 ft downstream of 75th Street Bridge.	966

(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 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35920 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. FI-3184]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mission, Johnson County, Kans.

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 Mission, Johnson County, Kans. 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 Mission, Johnson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mission, are available for review at City Clerk's Office, 6090 Woodson, Mission, Kans.

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 Mission, Johnson County, Kans.

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:

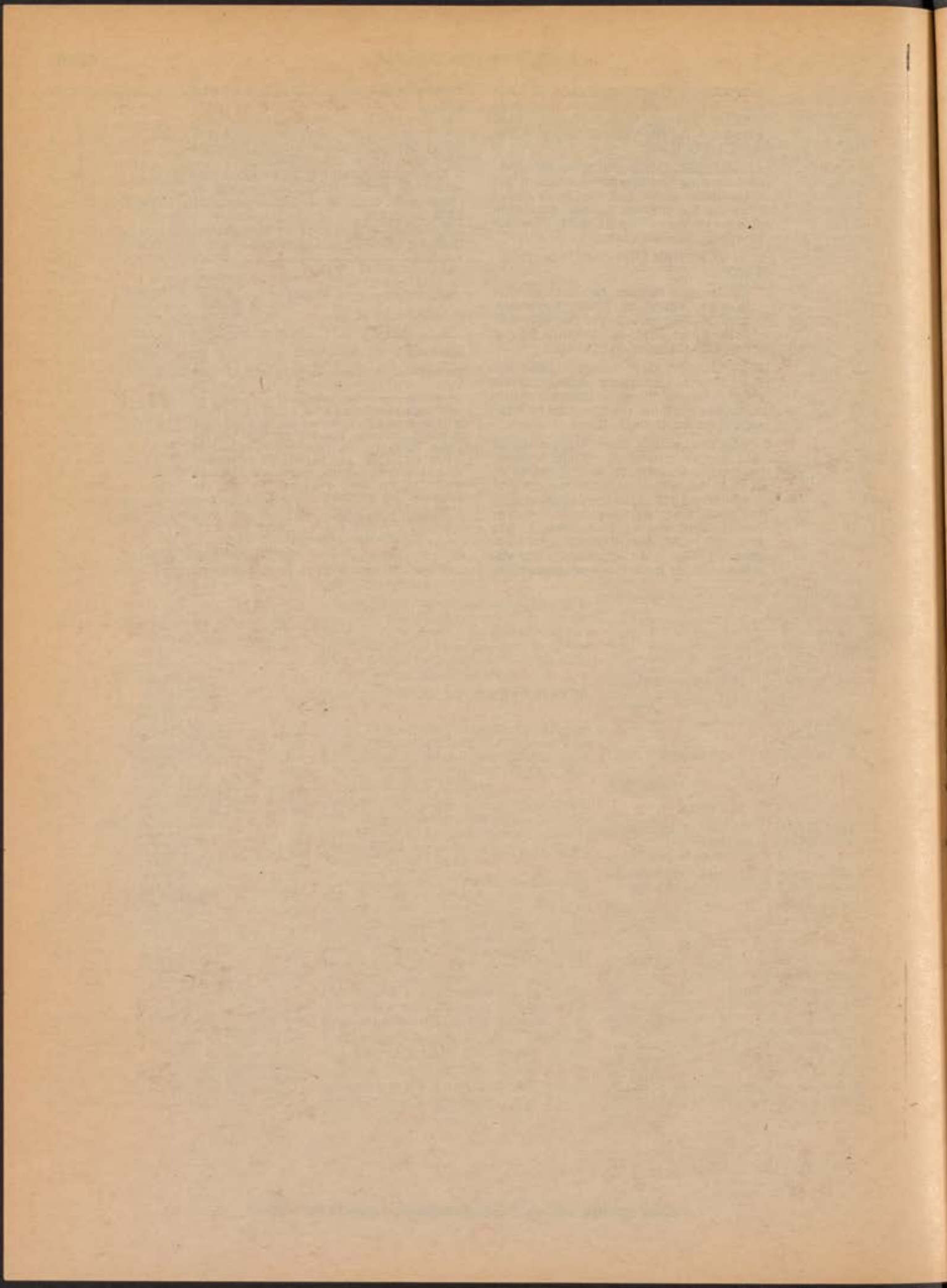
Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek.....	Roeland Dr.....	928
	Reeds Rd.....	946
Turkey Creek.....	Lamar Ave.....	846
	Metcalf Ave.....	862

(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 7, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-35921 Filed 12-16-77; 8:45 am]



Registered
Federal
Paper

MONDAY, DECEMBER 19, 1977

PART III



SECURITIES AND
EXCHANGE
COMMISSION



REGISTERED
MANAGEMENT
INVESTMENT COMPANIES

Use of Depository Systems; Proposed
Rule

[8010-01]

SECURITIES AND EXCHANGE
COMMISSION

[17 CFR Part 270]

[Release No. IC-10053; File No. S7-675]

USE OF DEPOSITORY SYSTEMS BY
REGISTERED MANAGEMENT COMPANIES

Proposed Rule

AGENCY: Securities and Exchange
Commission.

ACTION: Proposed rule.

SUMMARY: This document solicits public comments on a revised, proposed rule under the Investment Company Act of 1940 that would permit, under certain conditions, the portfolio securities of any registered management investment company to be held in a depository system for the central handling of securities. The proposed rule is intended to permit, under conditions designed to protect investors, the use by a registered management company of the joint Federal Reserve-Treasury Department book-entry program for United States government and agency securities and any depository system operated by a clearing agency registered under the Securities Exchange Act of 1934.

DATES: Comments must be received on or before January 18, 1978. Because this constitutes the second request for comments on the proposed rule, it is not expected that the time for comment will be extended.

ADDRESS: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C. 20005, and should refer to File No. S7-675.

FOR FURTHER INFORMATION CON-
TACT:

Stanley B. Judd, Esq., Division of Investment Management, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: On February 7, 1977, the Commission issued a notice, Investment Company Act Release No. 9633, published February 11, 1977 in the FEDERAL REGISTER, 42 FR 8666, that it had under consideration the adoption of a new rule 17f-4 (17 CFR 270.17f-4) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Act"). The Commission has considered the public comments received in response to that notice and a subsequent notice extending the comment period, Investment Company Act Release No. 9669, 42 FR

14738, has made certain modifications of the rule, and now believes that it is appropriate to resolicit public comments on the rule.

GENERAL PROVISIONS OF THE RULE

The rule currently proposed differs significantly from the rule previously proposed. However, participation in a depository system by a registered management company ("Company") would still be permitted either directly, or indirectly through a Company custodian or a Company custodian and an intermediary. On direct participation, in a depository by a Company, the proposed rule would require an instruction of an officer of the Company to authorize a transaction and further require the Company to have a system that is designed to prevent and to limit instructions that have not been duly authorized. Such system is also required to have been reviewed by the independent public accountant of the Company and approved by the Company's Board of Directors. The proposed rule would permit a Company to participate in ordinary depository arrangements pursuant to which securities may be delivered and payment therefor made upon instruction of the party making the delivery without any instruction from the party receiving the delivery unless the transaction is reclaimed by the party receiving the delivery.

The proposed rule would require approval by the board of directors of a Company of the Company's participation in a depository system and the form of such participation. On direct participation, the rule would also deal with the procedures to be followed upon the termination of such a relationship. With respect to direct or indirect use of a depository system, it would require that, upon a purchase of securities by a Company, delivery be made against payment and that, upon a sale of securities by a Company, payment be made against delivery. It would also require any arrangement in which a depository is used to provide that the depository, if a certificated security in its possession or control is lost, destroyed, or stolen, will do what is appropriate and necessary to obtain replacement. The rule would also require that, when a Company participates in a depository, any custodian or intermediary¹ be obligated to deliver to the Company any internal accounting control report on the depository received by either of them and that the custodian and any intermediary also be obligated to provide the Company with such internal accounting control reports on the custodian or intermediary as the Company may reasonably require.

The rule would further provide that the books and records of any custodian and any intermediary, to the extent that they relate to depository services rendered to the Company, be open to inspection by the Commission. In addition, the

rule would require that the Company's assets not be commingled in any account of a custodian or intermediary that includes assets held other than as a fiduciary, custodian, or otherwise for customers. Arrangements would also have to be made for the custodian to send the Company confirmation of any purchase or sale, as well as make the appropriate book-entry. The rule would require that arrangements be made for the prompt transmission to the Company of proxy materials and other information.

It also would be required that the custodian be liable to the Company, and any intermediary be liable to the custodian, for any loss or damage resulting from use of the depository by reason of any negligence, misfeasance, or misconduct on the part, respectively, of the custodian or intermediary or any of their respective agents or employees or from a failure of the custodian or any intermediary effectively to enforce such rights as it may have against an intermediary or depository.

PERMITTED DEPOSITORIES

The rule permits the use of the joint Federal Reserve-Treasury Department book-entry program for United States government and agency securities ("Book Entry System") and any system for the central handling of securities operated by a person registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) with the Commission as a clearing agency in which securities of any particular class or series of any issuer deposited within the system may be treated as fungible and may be transferred, loaned, or pledged by bookkeeping entry without physical delivery of such securities.

The rule does not apply to the system provided at the Department of the Treasury for direct book entry recordation of the names of investors (not to be confused with the Book-Entry System mentioned above), which system is designed primarily for, but not limited to, those owners of Treasury bills who plan to retain their investments until maturity. Treasury bills maintained in this system may not be transferred from one account at the Treasury to another by sale or for any reason other than one of lawful succession, and there is no mechanism for the recording of pledges. While bills may be withdrawn prior to maturity upon the request of the investor, by means of a transfer to a book-entry account in the name of the Treasury depositor maintained at or through a member bank of the Federal Reserve System, the Treasury does not handle payments in connection with such transfers. Thus, it appears to be a system in which an issuer, the Treasury, instead of issuing

¹ A bank or member firm which acts as an agent for a custodian in connection with the use of a depository in which the bank or member firm is a participant.

certificated securities, issues securities by entry on its books, much in the same way as a mutual fund may issue securities by entry on its books.²

It appears, therefore, that the direct book-entry system maintained by the Treasury is not a depository system, i.e., a system in which securities may be transferred or pledged by bookkeeping entry without physical delivery of such securities.

MANNER OF PARTICIPATION

A Company would be able to participate directly in a depository system, or indirectly through a custodian which is a participant in a depository system, or through a custodian which itself is indirectly participating in a depository system through an intermediary bank or intermediary member firm that is a participant in the depository system. One commentator argued that the rule should not prohibit more than one level of intermediary participation between a custodian and a depository since there was no evidence that multiple intervenors would introduce additional levels of error, and that if there is a demand for such participation it should not be disregarded without a thorough examination of the problems which may result. No commentator indicated that there is any demand for such participation. Furthermore, as applied to ordinary depository procedures in which securities may be delivered and payment therefor made without instructions of the participant receiving the security, it seems that the use of multiple intervenors would present obvious difficulties. This is because of the necessity for the participant in the depository to be able to reclaim,³ within the time permitted by the depository, transactions which were not authorized by the person who has purportedly purchased the security. Thus, it would appear necessary either that such person be informed of the transaction through the

intervenors and be capable of confirming or denying, again through the intervenors, in the limited time available, or that arrangements be made for the automatic reclamation of any transaction for which specific authorization has not been received.

AUTHORIZATION OF TRANSACTIONS WHEN A COMPANY PARTICIPATES DIRECTLY IN A DEPOSITORY SYSTEM AND THE PROCEDURES TO BE FOLLOWED UPON TERMINATION OF SUCH A RELATIONSHIP

In connection with the direct participation by a Company in a depository it is necessary, to protect the interests of investors in the Company, that there be requirements with respect to the authorization of transactions and the procedures to be followed upon termination of participation just as there are such provisions in connection with a bank custodianship or a self custodianship in which the assets of a Company are held in the safekeeping of a bank.

It was previously proposed that provisions similar to those customarily contained in bank custody arrangements be required. Several commentators objected to this on the ground that such provisions, which typically require hard copy instructions which have been signed by two officers and state the nature of a transaction and are accompanied by board resolutions in the case of a transaction other than the most usual, are not suitable in cases where speed of execution is essential or, generally, in connection with a system designed to reduce documents and the necessity to deliver and inspect documents in connection with security transfers. Specific objection was received to the requirement of two signatures, or to mandating a procedure that would require depositories to determine whether a particular transaction requires a certified copy of a resolution of a Company's board of directors. Other commentators suggested that facsimile copies of signatures be permitted, that other means of authorizing transactions other than by signature be permitted, and that oral instruction followed by confirmation be acceptable in certain circumstances. It was also suggested that all that should be required is that adequate controls be established to prevent misuse of instructions and that these controls be reviewed by independent auditors and other acceptable experts and approved by directors.

In response to these comments, the currently proposed rule would (1) define an officer's instruction as a request or direction in the name of a Company by an officer of the Company, (2) require a specific officer's instruction to authorize a transaction except that general standing instructions would be permitted to authorize payment, from any cash received by a depository to or for the account of a Company, to an account of the Company in the custodianship of a bank custodian or for payment of all depository fees and penalties or for all deliveries not reclaimed and (3) require,

as a condition of a Company's direct participation in a depository, that the Company have a system for the giving of officer's instructions that is designed to prevent and to limit any instructions that are not duly authorized. It is required that such a system shall provide for the form, content, and the means by which an officer's instruction is given, recorded and reviewed. It is also required that such a system shall have been approved by the Company's board of directors after it has been examined and reported on by an independent accountant.

The proposed rule also requires that on termination of direct participation in a depository by a Company, the depository is required to deliver the assets of the Company to a person who is entitled to have custody under the Act and the rules thereunder. The revised rule proposal makes clear that this obligation is subject to the depository's rules regarding contributions to a participant's fund of such depository.

REQUIREMENTS WITH RESPECT TO DELIVERY

At the present time it is customary for transactions of a Company to be made on the basis of payment on delivery when a security is purchased by the Company, and delivery on payment when a security is sold by the Company. This practice has served to protect Companies against losses which may result when one party to a purchase or sale performs his part of the bargain and the other party does not. It seems advisable that this practice be continued when a depository is used since the protection provided Companies by the practice would still be necessary. Furthermore, the advances which the Securities Investor Protection Corporation may make to a trustee of a broker for the protection of customers of a broker are limited in the aggregate to \$50,000 per customer of which a maximum of \$20,000 would be available for claims for cash and, thus, may be inadequate to protect a Company which, because of the size and number of its transactions, may be exposed to larger losses.

The rule provides, therefore, that a Company may participate directly or indirectly in a depository only under an arrangement pursuant to which, upon the sale of a security, the depository may effect delivery of the security only upon payment for the security or the depository's guarantee of payment, and a participant's account in the depository may be debited for payment for a security only upon delivery of the securities to the account or the depository's guarantee of delivery. The rule does not deal with the manner in which the amount of the payment to be received or paid is determined. This is covered by the depository's rules. The rule does not require a Company to enter into a direct agreement with a depository.

Upon sales of the portfolio securities of a Company participating in a depository system, the rule generally would require value deliveries, i.e., free deliveries

² The proposed rule deals with participation by Companies in depository systems, i.e., systems for the central handling of securities pursuant to which all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. It does not deal with direct ownership by a Company of securities issued by book-entry. Direct participation in book-entry issuance systems may raise special problems. Consideration of these problems at the present time may be premature since no Company has indicated any interest in participating in such a system. Furthermore, the resolution of such problems may take some time, during which Companies should be able to participate in depositories. Therefore, the rule is limited to the use of depository systems. These systems may themselves hold securities issued by book-entry. If there is sufficient interest, separate consideration will be given later to a Company's direct ownership of securities issued by book-entry.

³ To return an item on the grounds of irregularity in the delivery such as a delivery which the participant does not know.

would, generally, not be permitted. This would apply to free deliveries within the system, i.e., book entry deliveries with no corresponding payment entries, and to free deliveries outside the system, i.e., deliveries of certificated securities without corresponding payments. The rule would also restrict participation by a Company to those depositories whose procedures meet the standard of the rule.

The previously proposed rule contained a provision intended to deal with the possibility that in certain circumstances questions might exist as to whether the entries made with respect to a transaction were sufficient to constitute delivery under section 8-313 of the Uniform Commercial Code ("UCC"). For example, in connection with a transaction which would not appear on the books of a depository, such as a transaction between a Company and another customer of its custodian or intermediary, appropriate entry on the books of the custodian or intermediary might not be sufficient to constitute delivery under the UCC. The remedy proposed was to require, as a condition of a Company participation in such a transaction, that the parties agree that in such a case appropriate entry on the books of the custodian or intermediary would constitute delivery.

A few commentators stated that the rule would require a change in custodial agreements for all customers and that a custodian's other customers might not wish to enter into such an agreement. This might limit the persons with whom a Company could deal. One commentator questioned the validity of such an agreement, and another suggested that present provisions of the UCC are adequate to deal with the matter.

The Permanent Editorial Board for the Uniform Commercial Code recently recommended changes in the UCC to deal with uncertificated securities and the use of depositories.⁴ Under the proposed changes, a transfer of a security in a depository would occur when the custodian confirms the transaction to the purchaser and makes an appropriate book-entry.⁵

⁴ Permanent Editorial Board for the Uniform Commercial Code, Proposed Revision of Article 8 and Related Changes in Other Articles Recommended by the Permanent Editorial Board for the Uniform Commercial Code (April 1, 1977).

⁵ Insofar as it is relevant to the foregoing problem, subsection 8-313(1)(d) of the Code as proposed would state that transfer of a security to a purchaser occurs only when a financial intermediary, not a clearing corporation, sends him confirmation of the purchase and also by book entry or otherwise identifies as belonging to the purchaser

(ii) a quantity of securities which constitute or are part of a fungible bulk of certificated securities in the financial intermediary's possession or of uncertificated securities registered in the name of the financial intermediary; or

(iii) a quantity of securities which constitute or are part of a fungible bulk of se-

curities shown on the account of the financial intermediary on the books of another financial intermediary * * *

A "financial intermediary" is defined as "a bank, broker, clearing corporation or other person (or the nominee of any of them) which in the ordinary course of business maintains security accounts for its customers and is acting in that capacity."

⁶ Proposed Article 8 Revisions, *supra* note 1, at 48-49.
⁷ *Id.* at 49.
⁸ See footnote 12 *infra*.

PROHIBITION AGAINST COMMINGLING ASSETS OF A COMPANY WITH ASSETS OF CUSTODIAN OR INTERMEDIARY

Whether the account which is limited to interests held for customers is designated a separate account or a sub-account would seem unimportant so long as the record indicates that the custodian or intermediary has no interest in the account other than that it holds for customers.⁶

It is stated by the Reporter that these changes are considered desirable express statements in the light of modern security holding practices of both brokers and banks and that the final sentence of present subsection (2) of UCC section 8-313 implies this result without stating it expressly.⁷

The Reporter also explains that the reason for requiring confirmation to a purchaser and book entry in these provisions is that financial intermediaries, other than clearing corporations, may themselves be the beneficial owners or pledgees of securities not held in account for their customers. Therefore, in the event of insolvency of either the financial intermediary or the customer, it appears desirable to have some objective evidence of a transfer in addition to an internal book entry.⁸

Accordingly, the proposed rule would require that when a Company indirectly participates in a depository through a Company custodian it does so under an agreement which requires the custodian to send the Company confirmation of any purchase or sale as well as make the appropriate book entry. It is contemplated that confirmation will be sent immediately upon a transaction and the making of the appropriate book entry.

DEPOSITORY OBLIGATIONS IN THE EVENT A CERTIFICATED SECURITY IS LOST, APPARENTLY DESTROYED, OR WRONGFULLY TAKEN

The proposed rule would require that under any arrangement pursuant to which a Company participates in a depository, the depository be obligated to take all appropriate and necessary steps to obtain replacement if a certificated security in the possession or control of the depository has been lost, apparently destroyed, or wrongfully taken. The rule does not apply to uncertificated securities such as those in the Book-Entry System.

For example, in the event that a deposited certificated security is lost, apparently destroyed, or wrongfully taken, and the issuer is subject to the UCC, the requirements of the rule would be met if the depository is obligated to satisfy the duties of owners under section 8-405 of the UCC.⁹ Since it would be the depository which would have the responsibility for the safety of securities deposited with it and knowledge of the important facts, it should be responsible for discharging those duties.

Since the UCC may not be applicable to some issuers whose securities are in a depository, the rule requires, in any arrangement in which a Company participates in a depository, that the depository be required to do whatever is appropriate or necessary to obtain replacement if a certificated security deposited with it is lost, apparently destroyed, or wrongfully taken.

TRANSMISSION OF PROXY MATERIALS AND OTHER INFORMATION

The proposed rule requires any arrangement pursuant to which a Company participates in a depository, to provide a mechanism for the prompt transmission of proxy materials and other information to the Company, either directly from the issuer or through the depository and any custodian or intermediary, in sufficient time and form so that the Company is able to vote its securities either directly or through authorization

⁹ Under section 8-405 of the UCC, when a certificated security has been lost, apparently destroyed, or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the transfer or any claim to a new security. Moreover, under that section the issuer is obligated to issue a new security only if the owner (1) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser, (2) files with the issuer a sufficient indemnity bond, and (3) satisfies any other reasonable requirements imposed by the issuer. As stated in the explanation to the proposed revision of section 8-405 of the UCC, which would explicitly limit the provisions of that section to certificated securities, only certificated securities can be lost destroyed, or stolen. *Id.*, at 76.

provided by an officer's instruction. The effect of the rule would be to require, when a Company participates indirectly in a depository through a bank custodian, or a bank custodian and an intermediary bank, that the custodian and the intermediary bank have obligations with respect to the transmission of proxy materials and other information that are similar to the obligations of brokers under the Securities Exchange Act of 1934 and Rule 14b-1 (17 CFR 240.14b-1) thereunder.¹⁰

ADEQUACY OF RECORDS

In a depository system, beneficial ownership of securities is evidenced by records and documents, not by possession of certificates. To be in a position to prove this interest, ordinary prudence would appear to require an owner to prepare and maintain records and documents sufficient in the ordinary course of business to evidence its holdings accurately and currently. The provisions of Section 31 of the Act (15 U.S.C. 80a-30) and the rules thereunder already would require a Company participating in a depository to prepare and maintain such material. However, since the records and documents maintained by a custodian, or a custodian and intermediary, through whom a Company is participating in a depository may also play a crucial part in the Company's claim of proof, it is necessary that the custodian and any intermediary be responsible for preparing and maintaining such records as would be necessary for the Company to prove its claims.

This is one reason it is proposed that approval by a Company's board of directors be required not only of a Company's participation in a depository, but also of the manner of its participation, i.e., directly, or indirectly through a custodian or through a custodian and an intermediary, and why it would also be required that in making such determinations the board of directors consider (1) the terms of an arrangement, (2) the expected ability of the parties to perform their respective responsibilities, (3) the risk factors, and (4) such further information as may be necessary or appropriate to evaluate the terms of an arrangement.

The board of directors could, and probably should, seek the advice of accountants and lawyers with respect to these matters.

VERIFYING HOLDINGS

When a Company's holdings are represented by certificates which are earmarked and segregated by its custodian, it is a relatively simple matter to verify the holdings by counting the certificates. This is not possible when a depository is used. Moreover, simple confirmation by a custodian that its records indicate that the Company owns the shares it claims to own would not be sufficient to verify

ownership unless it can be reasonably assumed that the custodian's records accurately state the positions of its customers and agree with the depository records of the custodian's account and that the depository records accurately state the positions of its participants and agree with the securities it has on deposit. While frequent periodic corroboration of the records maintained by a Company with the records of its custodian is a minimum requirement of good practice, adequate verification of the Company's holdings would require that there be a reasonable basis for assuming that the confirmation is reliable. Internal accounting control reports may provide reasonable assurance that the accounting systems of the depository and of any custodian or intermediary are maintained properly, kept current, and are functioning without material inadequacy and, thus, provide a reasonable basis for relying on a confirmation by a custodian of a Company's position.

The previously proposed rule required that, under any arrangement in which a Company participates in a depository, the company be provided with an internal accounting control report on the depository (other than the Book-Entry system), custodian, or intermediary not less frequently than once a year.

In its statement on Proposed Registration Standards (Release No. 34-13584) the Commission indicated that it was inclined to require that semi-annually a clearing agency obtain an examination report prepared by an independent public accountant on the clearing agency's system of internal accounting control and that because clearing agency participants have a significant interest in the adequacy of the system of internal accounting control which protects their securities and funds, the Commission was inclined to require that the examination reports be furnished to all participants promptly after the reports become available to the clearing agency.

The currently proposed rule would require that any such report provided by a depository to a custodian or intermediary be provided by the custodian or intermediary to a Company whose securities are in the depository.

The currently proposed rule would also require in an arrangement pursuant to which a Company utilizes a depository through a custodian or a custodian and an intermediary that the custodian and any intermediary be obligated to provide the Company with such reports on their respective internal accounting control systems as the Company may reasonably request.

Some commentators thought that the previous proposed requirement that such reports be obtained at least once a year was vague as to time (presumably as to when a report was due and as to what period the report was to cover), another thought that reports should be required semi-annually, and some thought the reports would not be timely. The currently proposed rule is intended to enable each Company to get the reports it reason-

ably needs to verify its holdings when it needs them.

RIGHTS OF INSPECTION

The previously proposed rule provided for inspection by the participating Company and the Commission of the books and records of the depository (other than the Book Entry System), any custodian, and any intermediary to the extent they relate to depository services provided the Company.

It was pointed out by some commentators that the Commission already has powers of inspection of depositories (other than the Book Entry System) under the Securities Exchange Act of 1934. Other commentators did not believe that it should be required that the participating Company have the right to inspect the books of custodians, intermediaries, and depositories since (1) such rights of inspection, if exercised, might impose an unreasonable burden on the parties involved, (2) such inspections, unless very limited in which case they would not be likely to have much value, would involve the accounts of other persons, (3) those entities to which participating Companies were only indirectly related probably would not permit persons with whom they had no direct dealings to inspect their books, and (4) when necessary, inspections could be required by legal process.

Since the Commission already is empowered to inspect depositories (other than the Book Entry System) and registered management companies, the proposed rule would require only that participation by a Company in a depository be under circumstances in which the books and records of any custodian or intermediary, to the extent they relate to depository services rendered a Company are open to inspection by the Commission. In the case of a member firm custodian or intermediary, the rule would be satisfied by reason of the Commission's powers of inspection under the Securities Exchange Act of 1934.

LIABILITY FOR LOSS

It was previously proposed that on direct participation the depository should be liable to a participating Company for any loss due to use of the depository system arising through (1) negligence, misfeasance, or misconduct on the part of the depository or any of its agents or employees, (2) liens placed by creditors of the depository or creditors of other participants or their customers, (3) delivery of a security without receipt of payment for it, or the making of payment for a security without its delivery, or (4) any other cause for which the depository has assumed responsibility.

Subsequent to this proposal, the Commission announced consideration of proposed standards that should be followed by depositories with respect to their obligations to participants.¹¹ For this reason, the proposed rule does not deal with the general obligations of a depository to a participant which is a registered management investment company. Moreover,

¹⁰ See Securities Exchange Act of 1934 Release No. 13719 (July 5, 1977), 42 FR 35953 (July 13, 1977).

with respect to the reaching of debtor assets by creditors, recent statements on the UCC indicate that the liability provided for with respect to liens may be unnecessary.¹² The liability provided for with respect to failures of delivery or payment also seem redundant given the other requirements of the proposed rule with respect to this matter. Similarly, the requirement in the previously proposed rule that the depository be liable for losses arising from a cause for which the depository has assumed responsibility also seems to be unnecessary.

However, the presence of a custodian, or of a custodian and an intermediary, between the Company and the depository is a factor which does raise several questions requiring special consideration including: The capacity of the Company to sue the depository or an intermediary in the absence of privity of contract; which person or persons in the chain of custody would have the burden of explaining how a loss occurred; and what the liability of the custodian and intermediary should be. It also brings into consideration use of the Book Entry System, in which only indirect participation through a member bank is possible at the present time.

To deal with these questions, it was previously proposed that the custodian be liable to a Company for losses resulting from the use of a depository arising by reason of the negligence, misfeasance, or misconduct on the part of the custodian, any intermediary, or the depository, or any of their respective agents or employees, as well as for losses resulting from certain liens, failure of delivery or payment, or other causes for which the custodian had assumed responsibility. It was further required that to the extent a Company has not been made whole by its custodian for any loss caused by use of the depository, the Company be entitled to be subrogated for the custodian and any intermediary in any claim they may have against an intermediary or depository.

¹² Securities Exchange Act Release No. 13584 (June 1, 1977), 42 FR 30065 (June 10, 1977).

¹³ Proposed subsection (4) of UCC section 8-317 provides that the interest of a debtor in a certificated security which is in the possession of, or registered in the name of, a financial intermediary, or in an uncertificated security registered in the name of a financial intermediary, may be reached by a creditor by legal process upon the financial intermediary on the books of which the interest of the debtor appears. In explaining the proposed changes in section 8-317, the Reporter for Article 8 stated that the present rule, which provides that a creditor's lien upon a certificated security is not valid until actual seizure is entirely appropriate when the security is within the debtor's control, but when the debtor does not have such control, the rule has no function. Proposed Article 8 Revisions, supra note 1, at 56. If this is the case, then creditors of participants in depositories could not seize deposited securities with possible consequences to other participants, and enforcement of the rights of a creditor of a participant would not affect the other participants.

Many commentators objected to this proposal. One commentator suggested that the Commission should not set a standard of liability. The Commission believes, however, that it is necessary that the standard of liability in any particular custodial relationship not be one which is subject only to the relative bargaining power and sophistication of the parties since it is conceivable that in such circumstances liability might be required, for example, only for gross negligence. Such a standard of liability would not adequately protect investors, and the participation by a Company in a depository system is expressly made subject by section 17(f) of the Act (15 U.S.C. 80a-17(f)) to such rules and regulations as the Commission may prescribe for the protection of investors.

Another commentator stated that if any rule is valid it should be applicable to all users. As previously stated, the Commission is considering what the obligations of depositories (other than the Book Entry System) should be to participants in general. For this reason no special consideration is being given in the context of this rule to what their obligations should be to registered management companies in particular. However, the Commission, as stated above, does have responsibilities, with respect to the use of depository systems by Companies, that it does not have with respect to other users. Therefore, to the extent that the indirect participation of a Company in a depository through a custodian, or a custodian and an intermediary, raises questions concerning the protection of investors in the Company, there are grounds for a special rule which would deal with this subject.

A few commentators were doubtful whether custodians would serve if they were required to assume the liabilities proposed, and some commentators questioned whether bank custodians could assume such liabilities. Another commentator suggested that if such liabilities were required, they should only be required in a situation in which the custodian would have an enforceable claim against the persons with whom the custodian deposits securities.

It was suggested by some commentators that a custodian should be liable for its own negligence, etc., that the persons with whom it deposits the securities, such as an intermediary or depository, should be similarly liable to the persons they serve, and that each contract should provide for subrogation.

In response to these comments and others, it is currently proposed that it be required, when a Company is an indirect participant in a depository through a custodian, or a custodian and an intermediary, that the custodian be liable to the Company, and any intermediary be liable to the custodian, for any loss or damage resulting from the use of the depository arising by reason of any negligence, misfeasance, or misconduct on the part, respectively, of the custodian or intermediary, or any of their respective employees or agents, or from a failure of

the custodian or intermediary to enforce effectively such rights as it may have against an intermediary or depository.

To the extent that a Federal Reserve Bank functions in the Book Entry System in its individual capacity as agent for its member banks, and not as fiscal agent for the Treasury, the rule would require a member bank which acts as custodian or intermediary with respect to securities in the Book Entry System owned by a Company to be responsible for any loss or damage resulting from the use of the System arising by reason of any negligence, etc. of the Federal Reserve Bank.¹³ Such liability of a principal, including a bank principal, for acts of its agents, including other banks, would not appear to be unusual or prohibited.

For reasons similar to those previously mentioned in the discussion of liability in connection with direct participation, the previously proposed provisions establishing liability in the event of losses resulting from the placement of certain liens, failure of delivery or payment, or losses from causes for which the custodian has assumed responsibility by contract also seem unnecessary in connection with indirect participation.

COMMISSION ACTION

It is proposed that Part 270 of Chapter II of Title 17 of the Code of Federal Regulations be amended by adding a new § 270.17f-4, as follows:

§ 270.17f-4 Use of depository systems by registered management companies.

(a) Definitions. As used in this section:

(1) "Book Entry System" means a system for the central handling of securities operated by a Federal Reserve bank as part of the joint Federal Reserve-Treasury Department book-entry program for United States government and agency securities in which all securities of any class or series deposited within the system are treated as fungible and may be

¹⁴ Uniform Federal Reserve Bank operating circulars and letters regarding Book Entry System securities provide, in part, as follows:

Any bank or person for whose account book-entry securities are maintained by this Bank, either directly or through others, shall be deemed to have agreed that we (a) will be responsible only for the exercise of the same diligence with which we care for our own property and (b) will not be liable for any loss of securities when a loss is due to any cause other than lack of such diligence.

Spokesmen for the Federal Reserve Banks contend that a Reserve Bank's potential liability for loss of securities held in book entry form runs only to its depositors, i.e., member banks depositing their own or their customers' securities, and is limited to losses arising out of the Federal Reserve Bank's lack of due diligence in caring for the securities. These statements of the duties owed by Federal Reserve Banks to their member banks in connection with their participation in the Book Entry System seem to be statements about the duties of an agent to its principals, and, therefore, a matter between them which does not affect the duties of the principals, i.e., the member banks, to their customers.

transferred, loaned, or pledged by book-keeping entry without physical delivery of such securities.

(2) "Depository" means the Book Entry System, and any system for the central handling of securities operated by a person registered under the Securities Exchange Act of 1934 with the Commission as a clearing agency in which securities of any particular class or series of any issuer deposited within the system may be treated as fungible and may be transferred, loaned, or pledged by book-keeping entry without physical delivery of such securities.

(3) "Company" means a management investment company registered under the Act.

(4) "Officer's instruction" means a request or direction in the name of a company by any one or more of (i) the Chairman of the Executive Committee, (ii) the President, (iii) a Vice President, (iv) the Secretary, (v) the Treasurer of the company, or (vi) any other person duly and specifically authorized by the company's Board of Directors or Executive Committee to give such request or direction.

(5) "Bank custodian" means a bank acting as custodian for a company in compliance with section 17(f) of the Act and the rules thereunder.

(6) "Member firm custodian" means a company which is a member of a national securities exchange and which is acting as custodian for a company in compliance with section 17(f) of the Act and the rules thereunder.

(7) "Custodian" means a bank custodian or member firm custodian.

(8) "Intermediary bank" means a bank which is (i) a person qualified to serve as a custodian to a company under section 17(f) of the Act and the rules thereunder, and (ii) acts as an agent for a custodian in connection with the use of a depository in which the bank is a participant.

(9) "Intermediary member firm" means a company which (i) is a member of a national securities exchange qualified to serve as a custodian to a company under section 17(f) of the Act and the rules thereunder, and (ii) acts as an agent for a custodian in connection with the use of a depository in which the member firm is a participant.

(10) "Intermediary" means an intermediary bank or intermediary member firm.

(b) A company may use a depository in connection with a custodianship of the company's assets only if:

(1) (i) The company directly participates in the depository, or (ii) the company indirectly participates in the depository through a custodian which (A) directly participates in the depository or (B) indirectly participates in the depository through an intermediary.

(2) When a company directly participates in a depository: (i) The company has a system for the giving of officer's instructions that is designed to prevent and to limit any instructions that are not duly authorized. Such system shall provide for the form, content, and the means by which an officer's instruction is

given, recorded and reviewed. Such system itself shall have been approved by the Board of Directors of the company after having been examined and reported on by an independent public accountant.

(ii) The depository may pursuant to an officer's instruction requesting that a specific payment be made, or giving general standing instructions relating to future payments, make payment, from any cash received by it to or for the account of the company, to an account of the company in the custodianship of a bank custodian or for payment of all depository fees and penalties or for all deliveries not reclaimed. The depository shall make other payments from any such cash only upon receipt of specific officer's instructions.

(iii) The depository may transfer, exchange, or deliver any securities of the company held by the depository only upon receipt of an officer's instruction authorizing the transfer, exchange, or delivery.

(iv) Upon termination of the company's participation in the depository, the depository is required to deliver, subject to the depository's rules regarding a participant's fund contributions, cash, securities, and all other property of the company to (A) a successor depository named by the company, (B) a custodian named by the company to act as the safekeeper of assets of the company, and pending appointment by the company of a successor depository, custodian, or bank safekeeper, to a bank of the depository's own selection having the qualifications prescribed in section 26(a)(1) of the Act as custodian for the company, to be held under terms usual and customary to a bank custodianship of the assets of a company.

(3) When a company indirectly participates in a depository through a custodian, it does so under an agreement which provides that the custodian will send the company confirmation of any purchase or sale of securities and by book entry or otherwise identify as belonging to the company a quantity of securities which constitute or are part of a fungible bulk of securities either registered in the name of the custodian or its nominee or shown on the account of the custodian on the books of an intermediary or depository.

(4) The company participates, directly or indirectly, in the depository under an arrangement pursuant to which:

(i) With respect to a sale of a security by the company, the depository may effect delivery of the security, except delivery to the company's custodian to the account of the company, only upon payment for the security or the depository's guarantee of payment, and with respect to a purchase of a security by the company, the account in the depository representing its interest may be debited for payment for the security only upon delivery of the securities to the account or the depository's guarantee of delivery;

(ii) The securities and cash of a company indirectly participating in a depository through a custodian, without

regard to whether an intermediary is also being used in connection with such participation, shall be represented in an account at the depository which does not include any assets held by the custodian (or, if an intermediary is used, by the intermediary) other than as a fiduciary, custodian, or otherwise for customers, and when the custodian indirectly participates in the depository through an intermediary, the securities and cash of the company shall be represented in an account of the custodian at the intermediary which does not include any assets held by the custodian other than as a fiduciary, custodian, or otherwise for customers;

(iii) The depository is obligated, if a certificated security in the depository has been lost, apparently destroyed, or wrongfully taken, to take all appropriate and necessary steps to obtain replacement;

(iv) No person may vote (other than pursuant to an instruction of the company contained in an officer's instruction) any security held for the account of the company, and a mechanism exists which permits the company to vote its securities either directly or in accordance with an instruction of the company contained in an officer's instruction, and with respect to any securities held directly or indirectly for the company, provision has been made for the prompt transmission to the company, directly from an issuer or through the depository, custodian, and any intermediary, of all notices, proxies and proxy soliciting materials, and other written information (including, without limitation, information regarding pendency of calls, maturities, and expirations of rights in connection with the securities) distributed to shareholders by the issuer including all written information distributed by the issuer of any security whose tender or exchange is sought and by all parties (or their agents) making the tender or exchange offer;

(v) The books and records of any custodian or intermediary used in connection with a company's indirect participation in a depository, to the extent that they relate to depository services rendered to the company by the custodian or intermediary, shall at all times during the regular business hours of the custodian or intermediary (and at such other times as may be acceptable to them) be open to inspection by duly authorized employees or agents of the Commission; and

(vi) Any custodian and any intermediary is obligated to provide the company with any report obtained by the custodian or intermediary on the depository's system of internal accounting control, and any custodian and any intermediary is also obligated to provide the company with such reports on their respective systems of internal accounting control as the company may reasonably require. As used herein, a report on the system of internal accounting control is a report on the accounting system, the internal accounting control, and procedures for safeguarding securities related

to the custodial functions provided by a depository, custodian or intermediary which is based on an examination by an independent public accountant that is sufficient in scope to provide reasonable assurance that any material inadequacies, existing or arising since the prior examination, would be disclosed. The report shall describe any material inadequacies disclosed, and if an examination did not disclose any material inadequacies the report shall so state.

(5) The Board of Directors of the company shall have approved the company's participation in the depository and the manner of such participation, i.e., direct participation, or indirect participation through a custodian or through a custodian and an intermediary, after having

considered the terms of the arrangement, the expected ability of the parties to perform their responsibilities, the risk factors, and such further information as may be necessary or appropriate to evaluate the terms of the arrangement.

(6) When the company is an indirect participant in a depository through a custodian, or a custodian and an intermediary, the custodian is liable to the company, and the intermediary is liable to the custodian, for any loss or damage resulting from the use of the depository arising by reason of any negligence, misfeasance, or misconduct on the part, respectively, of the custodian or intermediary or any of their respective employees or agents or from a failure of the custodian or the intermediary to enforce

effectively such rights as it may have against the intermediary or depository.

It is proposed that the rule be made effective 60 days from the date of its adoption. If, pending adoption of the proposed rule, an investment company wishes to participate in the Book Entry System so that it can purchase a security which is not available in certificated form in the amount desired, the Division of Investment Management will take a liberal position on the issuance of no-action letters.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 8, 1977.

[FR Doc. 77-36109 Filed 12-16-77; 8:45 am]

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Federal Paper

MONDAY, DECEMBER 19, 1977

PART IV



**CONSUMER
PRODUCT SAFETY
COMMISSION**



**EXTREMELY FLAMMABLE
CONTACT ADHESIVES**

Establishment as Banned Hazardous
Product; Labeling

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Regulation of Certain Extremely Flammable Contact Adhesives Under the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a final rule determining that it is in the public interest to regulate the risk of burns from explosive vapor ignition and flashback fire associated with extremely flammable contact adhesives in containers over one-half pint under the Consumer Product Safety Act (CPSA) instead of the Federal Hazardous Substances Act (FHSA). (See also FR Doc. 77-4444 published elsewhere in this part of the FEDERAL REGISTER.) According to the CPSA, the Commission may not regulate under the CPSA a risk of injury that could be eliminated or reduced to a sufficient extent under the FHSA, unless the Commission finds by rule that it is in the public interest to do so. The Commission has found that it is in the public interest to regulate these products under the CPSA.

EFFECTIVE DATE: This rule becomes effective January 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael J. Gidding, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone 301-492-6617.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

On July 13, 1977, by publication of a notice in the FEDERAL REGISTER (42 FR 35983), the Commission proposed a rule finding, under section 30(d) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2079(d)), that it is in the public interest to regulate the risk of burns from explosive vapor ignition and flashback fire associated with extremely flammable contact adhesives under the CPSA rather than under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261-1264). Section 30(d) of the CPSA, as amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94-284; 90 Stat. 510), 15 U.S.C. 2079(d), provides that:

(d) A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act . . . may be regulated under [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under [the CPSA].

Although the risk of injury of burns from explosive vapor ignition and flashback fire associated with these products could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1274, the Commission has determined that it is in the public interest to regulate these products under the CPSA.

Also on July 13, 1977, the Commission proposed a regulation under the CPSA (42 FR 35984) that would declare certain extremely flammable contact adhesives to be banned hazardous products under section 8 of the CPSA as a result of the risk of injury of burns from explosive vapor ignition and flashback fire associated with these products. The Commission also proposed to revoke the existing FHSA regulation at 16 CFR 1500.133, providing cautionary labeling for these products.

The Commission's rationale in the proposed 30(d) rule for proceeding under the CPSA rather than FHSA was as follows:

(1) Rulemaking proceedings appropriate to regulate the product under the FHSA are likely to be lengthy and resource consuming.

(2) It may be more difficult for interested persons to participate in rulemaking proceedings under the FHSA rather than the CPSA since the proceedings under the FHSA are likely to be more complex and formal, and

(3) The CPSA, unlike the FHSA, provides that persons who knowingly violate the act are subject to civil penalties. The civil penalty provision may provide additional incentive for compliance under the CPSA.

The Commission explained in its proposal that in order to ban hazardous household substances under section 2(q) (1)(B) of the FHSA the Commission must follow the provisions of section 701 (e) of the Federal Food, Drug, and Cosmetic Act (FFDCA) 21 U.S.C. 371(e). Section 701(e) of the FFDCA provides for a two stage rulemaking. After proposing a regulation, analyzing comments, and issuing a final regulation, adversely affected persons may submit objections to the rule and request a public hearing on the objections. If the objections are legally valid, those parts of the regulation objected to are stayed and a hearing is held to receive evidence that is relevant and material to the issues raised by the objections.

After completion of the hearing, the Commission may issue a final regulation. However, this regulation must be based only on substantial evidence of record obtained at the hearing and must set forth detailed findings of fact on which the order is based. The Commission's past experience with formal rulemaking under section 701(e) has been that these proceedings are lengthy, resource consuming, and often inefficient in eliciting information on which the Commission make a decision.

In contrast, section 9(a)(2) of the CPSA requires bans to be issued in ac-

cordance with the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). Although the CPSA requires the Commission to provide an opportunity for oral presentation of comments before issuing a ban, the oral presentation required by section 9(a)(2) is informal and nonadversarial. A ban under section 8 of the CPSA, while providing an adequate opportunity for public participation, is less likely to involve extensive delay, since the Commission is not required to utilize formal rulemaking. In addition, since the proceedings under section 8 of the CPSA are less complex and formal than those under the FHSA the Commission is more likely to obtain participation from interested persons, including consumers, if the rulemaking is conducted under the CPSA.

The Commission pointed out in the proposal that if the Commission did decide to regulate extremely flammable contact adhesives under section 8 of the CPSA, automatic repurchase of banned hazardous products would not be available, as it is in the case of a ban under the FHSA. Under section 15 of the FHSA, 15 U.S.C. 1274, and the accompanying regulations at 16 CFR 1500.202 and 203, hazardous substances that have been banned must be repurchased by the manufacturers, distributors, or retailers of the hazardous substance, regardless of whether the substance was banned at the time of its sale. In contrast, a ban under section 8 of the CPSA that bans products distributed in commerce on the effective date of the ban would not provide for repurchase of the banned hazardous products distributed in commerce. No person commented on the fact that the ban under the CPSA did not provide for repurchase of the banned products even though the lack of a repurchase provision may have an adverse economic effect on persons in the chain of distribution after the products are banned. The Commission does not believe that the lack of repurchase in this instance outweighs the considerations for proceeding under the CPSA. Accordingly, the Commission has determined that it is in the public interest to regulate the risk of burns from explosive vapor ignition and flashback fire under the CPSA instead of the FHSA.

B. COMMENTS ON THE PROPOSAL

In response to the proposal, four comments were received.

One commentator, a manufacturer of contact adhesives subject to the proposed rule, supported the Commission's proposal to regulate certain extremely flammable contact adhesives under the CPSA instead of the FHSA, claiming that the requirements of the CPSA would result in more expeditious completion of the rulemaking proceeding.

Another commentator disapproved the Commission's proposal, stating that such action would eliminate the normal two stage rulemaking proceedings provided under the FHSA. The commentator stated that the informal and nonadversarial nature of rulemaking under the CPSA limits the subjects and comments that

may be considered. In addition, the commentator suggested that the Commission's proceedings be conducted under the FHSA, since the commentator recommended changing the FHSA labeling requirement for all flammable contact adhesives and recommended changing the method for determining flash point. The commentator denied that rulemaking proceedings under the FHSA would be resource consuming, lengthy, and inefficient.

The Commission believes that the rulemaking proceeding conducted under section 8 and 9 of the CPSA concerning extremely flammable contact adhesives has provided ample opportunity for public participation in the rulemaking process. The Commission received twenty-five written comments in response to the proposed ban of certain extremely flammable contact adhesives, including that of the commentator. In addition, eight persons, including the commentator, participated in the oral presentation of the proposed ban. The rulemaking proceedings specified in section 9 of the CPSA that were followed for extremely flammable contact adhesives did not limit comment on the proposed rule. All relevant comments concerning the proposal were considered by the Commission before issuance of the final ban. Since the written comment period expired September 12, 1977, interested persons were able to rebut, in writing, comments that were made at the oral proceeding on August 29, 1977. The Commission does not believe that the rulemaking proceedings provided under section 2(q)(1)(B) of the FHSA would have provided greater opportunity for interested persons to participate in the proceedings. On the contrary, if the Commission had proceeded under the FHSA, the more formal nature of rulemaking proceedings under the FHSA may have discouraged some commentators from participating.

The commentator stated that he recommended rulemaking proceedings be conducted under the FHSA, since he recommended changing the FHSA labeling requirement for all flammable contact adhesives. However, the Commission's proposal did not include a provision to change the FHSA labeling requirement for all flammable contact adhesives so that it was not necessary to proceed under the FHSA. The Commission banned certain extremely flammable contact adhesives under the CPSA and, in doing so, revoked a labeling regulation applicable to these products under the FHSA (16 CFR 1500.133). The Commission's action does not affect labeling that may be required under the FHSA to address flammability hazards associated with other adhesives not subject to the ban. Although the commentator suggested proceeding under the FHSA in order to change the method for determining the flash point, the Commission fully considered this issue in response to comments on its rulemaking proceeding under the CPSA. For these reasons, the Commission declines to adopt the suggestion of the commentator that it is not in the public interest to regulate the explosive vapor ignition

and flashback fire hazard associated with extremely flammable contact adhesives under the CPSA rather than the FHSA.

Accordingly, the Commission finds that the public interest requires that the hazard of explosive vapor ignition and flashback fire associated with certain extremely flammable contact adhesives be regulated under the CPSA rather than the FHSA. Therefore, pursuant to section 30(d) of the Consumer Product Safety Act (sec. 30(d), Pub. L. 92-573, 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d)), the Commission amends Title 16, Chapter II, by adding to subchapter B a new § 1145.3 reading as follows:

§ 1145.3 Extremely flammable contact adhesives; risk of burns from explosive vapor ignition and flashback fire.

(a) The Commission finds that it is in the public interest to regulate the risk of burns from explosive vapor ignition and flashback fire associated with certain extremely flammable contact adhesives under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act because of the desirability of avoiding possibly lengthy, resource consuming, and inefficient rulemaking proceedings under the Federal Hazardous Substances Act and because of the availability of civil penalties under the CPSA. The Commission also believes that the complexity and formality of the rulemaking proceedings under the FHSA, in contrast to rulemaking proceedings under the CPSA may make it difficult for interested persons to participate.

(b) Extremely flammable contact adhesives and other similar liquid or semi-liquid products in containers over one-half pint that present a risk of burns from explosive vapor ignition and flashback fire shall therefore be regulated under the Consumer Product Safety Act. Such regulation shall include all directly related pending and future rulemaking, as well as all directly related future action on petitions. However, such action shall not include labeling that may be required under the Federal Hazardous Substances Act to address flammability hazards associated with other adhesives not subject to the ban.

Effective date: This part shall become effective January 18, 1978.

(Authority: Sec. 30(d), Pub. L. 92-573, 86 Stat. 1231, as amended 90 Stat. 510, 15 U.S.C. 2079(d).)

Dated: December 13, 1977.

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

[FR Doc. 77-38105 Filed 12-16-77; 8:45 am]

[6355-01]

PART 1302—EXTREMELY FLAMMABLE CONTACT ADHESIVES

Establishment as Banned Hazardous Products

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission declares that "extremely flammable" contact adhesives and similar consumer products in containers of more than one-half pint are banned hazardous products under the Consumer Product Safety Act. The Commission issues this ban in order to reduce the unreasonable risk of burn injuries associated with these products.

DATES: Effective date: The regulation issued below is effective January 18, 1978. All extremely flammable contact adhesives, as defined in the rule, that have been manufactured or initially introduced into commerce after January 17, 1978, are banned hazardous products. In addition, all other extremely flammable contact adhesives, as defined in the rule, no matter when manufactured or initially introduced into commerce, are banned hazardous products after June 13, 1978.

ADDRESSES: All material which the Commission has that is relevant to this rule may be seen in, or copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Michael J. Gidding, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6617.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

The purpose of this notice is to issue, in final form, a rule (16 CFR Part 1302) declaring extremely flammable contact adhesives and similar consumer products in containers of more than one-half pint to be banned hazardous products under section 8 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2057. On July 13, 1977 the Commission proposed a rule (42 FR 35984) that would take this action.

On March 12, 1976, the Commission received a petition (HP 76-9) from Barbara Peters requesting the Commission to, among other things, initiate a proceeding to ban extremely flammable contact adhesives. The Commission's action in proposing the ban granted, in part, the petition. On August 29, 1977, the Commission held an oral presentation in Washington, D.C. to allow interested persons to present their views concerning the proposal. Written comments were received until September 12, 1977. On October 11, 1977 (42 FR 54836), the Commission published a notice in the Federal Register extending the period of time for issuing a final rule, as provided by section 9(a)(1) of the CPSA (15 U.S.C. 2058(a)(1)), until December 12, 1977.

For the purposes of this document the Commission has defined "extremely flammable" as that term is defined in section 2(1) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261 (1). That act defines as extremely flammable a substance that has a flash point

at or below 20 degrees Fahrenheit, as determined by the Tagliabue open-cup tester.

The Commission also defines "flammable" in this document as it does under the FHSA. Section 2(1) of the FHSA also states that the term "flammable" shall apply to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue open-cup tester. The Commission's regulations, at 16 CFR 1500.43, prescribe a test procedure for the determination of the flash points of volatile flammable materials by the Tagliabue open-cup apparatus.

B. DESCRIPTION OF THE BAN

Terms of the ban. In Part 1302, the following consumer products are declared to be banned hazardous products under section 8 of the Consumer Product Safety Act.

Extremely flammable contact adhesives and similar liquid or semi-liquid products that have each of the following product characteristics:

- (i) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open-cup test method; and
- (ii) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack and adhere to themselves instantaneously when the coated surfaces are joined under low or moderate pressure; and
- (iii) Are composed of a high percentage (70-90 percent by weight) of solvents and a low percentage of solids (10-30 percent by weight); and
- (iv) Are substances that are non-aerosols and are free-flowing having a wet viscosity within the range of 300-6,000 centipoise at 70 degrees Fahrenheit when measured by an RVF Brookfield viscometer; and
- (v) Are packaged in containers of more than one-half pint.

Scope and application. Since this ban is being issued under the Consumer Product Safety Act, the rule applies only to those products that are "consumer products" as defined in section 3(a)(1) of the act (15 U.S.C. 2052). Accordingly, this ban applies only to those extremely flammable contact adhesives and similar liquid or semi-liquid consumer products that are customarily produced or distributed for sale to, or for the personal use, consumption, or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

An extremely flammable contact adhesive as defined in § 1302.3(b) is a banned hazardous product if the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to, or use by consumers, or if the manufacturer, distributor, or retailer fosters or facilitates the product's sale to, or use by, consumers. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, for sale to consumers

would be included in the scope of the ban even though such outlets may sell such products primarily to industrial or professional users. The manufacturer who markets an extremely flammable contact adhesive which would be subject to the ban if sold to consumers has the responsibility for determining the distribution and use patterns of its product and for taking all reasonable steps to ensure that the product is not made available for sale to consumers. The test of whether a contact adhesive is banned shall be whether the product, under any customary or reasonably foreseeable condition of distribution, or sale, is made available for purchase by consumers.

Contact adhesives that are labeled as, marketed, and sold solely for industrial or professional use are not within the scope of this ban. However, merely labeling contact adhesive for industrial or professional use only would not exclude such products from this ban. In addition, packaging a contact adhesive in a large size container would not in itself exclude the product from this ban.

C. SUMMARY OF COMMENTS

The Commission received 25 written comments on its July 13, 1977 proposal to ban certain extremely flammable contact adhesives. In addition, there were eight oral presentations that are also considered as comments. The issues raised by the comments and the Commission's reasons why the Commission has or has not changed the proposal in response to the comments are explained below.

1. RISK OF INJURY PRESENTED BY EXTREMELY FLAMMABLE CONTACT ADHESIVES.

In the FEDERAL REGISTER notice proposing the ban (42 FR 35984, July 13, 1977) after having considered available information concerning the degree of the risk of injury associated with the product, including the frequency and severity of injuries and the nature of the risk of injury associated with the product, as well as economic considerations, the Commission determined that certain extremely flammable contact adhesives present an unreasonable risk of injury from explosive vapor ignition and flashback fire.

One commentator disagreed with the Commission's finding that extremely flammable contact adhesives present an unreasonable risk of injury to consumers. This commentator stated that its experience concerning its brands of contact adhesive, as well as the Commission's NEISS survey data, did not justify the ban proposed by the Commission. According to the commentator, injuries resulted from misuse of the product. In addition, the commentator claimed that the possibility of ignition from remote sources is practically nonexistent if there is any air movement present in the house.

On the other hand, several commentators expressed their concern over accidents and injuries associated with the use of

extremely flammable contact adhesives, and stated their support for the Commission's finding.

Having considered all comments, written and oral, concerning the risk of injury associated with certain extremely flammable contact adhesives, the Commission at section D of this FEDERAL REGISTER notice and at § 1302.5 of the rule, has found that certain extremely flammable contact adhesives present an unreasonable risk of injury from explosive vapor ignition and flashback fire.

The Commission has made this finding based on a hazard analysis prepared by the Commission staff concerning contact adhesive fires, an American Burn Association Survey to obtain an estimate of the incidence and severity of burns associated with the use of contact adhesive cements, technical analysis of extremely flammable contact adhesives by the Commission's staff, an evaluation of the adequacy of cautionary labeling under the FHSA, and a report evaluating the economic impact of the ban, including the probable effect of the ban on the cost, utility, and availability of contact adhesives. After considering this information, as well as the oral and written comments received, the Commission concluded that the extremely flammable contact adhesives within the scope of this regulation present an unreasonable risk of injury.

In response to the comment alleging that the possibility of ignition from remote sources is practically non-existent if there is any air movement, the Commission is not aware of any data that would substantiate this claim; and the commentator has provided no data to substantiate this claim. Information available to the Commission indicates that approximately 90 percent of the light petroleum fractions (pentanes, hexanes, heptanes) of the solvent of the adhesive evaporates during the first three minutes after spreading. During the application process the vapors of these extremely volatile solvents layer and flow before becoming dispersed by diffusion in air in the application area. Without precise knowledge of the circumstances, it is impossible to predict the role played by circulation or the lack of circulation in accidents associated with these compounds. In extreme cases where large areas are covered, reasonably good circulation, if channeled, may actually contribute to the hazard. Moreover, even if the allegation by the commentator is true, the fact that users, notwithstanding cautionary labeling, have been injured, indicates that in many cases sufficient ventilation and air movement may not be present. After considering the comment the Commission concludes that it should not be prevented from banning these products under the theory that with sufficient air movement there would be no hazard.

In response to the comment alleging that injuries were a result of consumer misuse of the product, the injury information available to the Commission indicates that the vast majority of acci-

dents have occurred while the product is being used for its intended purpose. One accident report revealed that injury resulted where the vapor train (stream of vapor) from the adhesive flowed through a door, down a stairway and ignited at a pilot light a floor away. The degree and nature of the hazard associated with extremely flammable contact adhesives covered by this ban is such that serious injuries may result in spite of reasonable attempts to follow cautionary labeling or educational materials directing the consumer how to safely use the product. The light petroleum fractions of extremely flammable contact adhesives evaporate extremely rapidly, have among the lowest of lower flammable limit values, and have ignition temperatures approaching one-half that of other solvents normally used in other contact adhesives; so that extremely flammable contact adhesives may be hazardous even where reasonable attempts are made to follow directions. After considering the comment, the Commission concludes that it should not be prevented from banning these products under the theory that the hazard associated with the product is caused by misuse.

2. FEASIBILITY OF A STANDARD UNDER THE CPSA.

In the preamble to the proposed ban (at 42 FR 35986) the Commission found that there is no known technology that, when applied to contact adhesives as defined in this proposal, would adequately protect the public. The Commission also found that present cautionary labeling or additional cautionary labeling would not adequately protect the public.

One commentator claimed that, as an alternative to banning these products, the Commission could develop a standard that would require extremely flammable contact adhesives in containers over one-half pint to be packaged with safety cans that are either self-closing or have such a small orifice as to eliminate concern over vapor diffusion by evaporation.

The Commission concludes that this suggested solution would not adequately protect the public. Injury information available to the Commission shows that persons have been injured when the surface area onto which the adhesive was spread ignited and the victim was burned directly from that surface. Thus, explosive vapor ignition remains a possibility and could result in injuries to consumers even though the container is closed.

Furthermore, a standard that required small orifices would not eliminate the possibility of flashback fire to the container, during evaporation of the solvent from the relatively large coated surfaces, since the container would still remain open. For these reasons the Commission does not believe that the suggestions that the Commission require a self-closing container or a container with a small orifice indicates that there is a feasible standard that would adequately protect the public from the risk of injury associated with these products.

One commentator stated that the Commission has not conclusively shown that there is no feasible standard under the CPSA. The commentator stated that labeling for the products could adequately protect the consumer, and provided an example of suggested labeling, as follows:

"Danger! Extremely Flammable. Vapors May Cause Flash Fire. Vapor Harmful NYFD C of A 933

Vapors may ignite explosively. Prevent buildup of vapors—Open all windows and doors—Use only with cross-ventilation. Keep away from heat, sparks, and open flame. Do not smoke or ignite any flame (such as matches, lighters, etc.). Extinguish all flames and pilot lights, and turn off (and do not turn on again) stoves, ovens, all gas and electric appliances (space and water heaters, furnaces, etc.) electric motors and other sources of ignition during adhesive use and until all vapors are gone. Do not use electric light switches. Do not generate static sparks (such as by walking on carpet, etc.). Use same precautions in the work area and all connected areas. Be sure that any other person in these areas understands and follows these precautions and also that a copy of these precautions is attached to any other container to which this product may be transferred. Contains petroleum distillates, acetone, toluene. Use only in well ventilated areas with enough air movement to remove vapors and prevent vapor buildup. Avoid prolonged breathing of vapor and prolonged repeated contact with skin. Avoid eye contact. Suggested first aid: for eyes flush immediately with plenty of water for at least 10 minutes and call a physician. If swallowed, do not induce vomiting. Call a physician immediately. Close container after use. Keep out of reach of children."

Although a standard under the CPSA may require a product to bear warnings and instructions, the Commission at section A(3) of the preamble to the proposed ban (42 FR 35986) and at § 1302.5 (a)(2)(iv) of this final rule, has discussed why present cautionary labeling is inadequate and has discussed why it believes modification of the present cautionary labeling or additional cautionary labeling would not adequately protect the public.

The following minimum labeling is presently required under the FHSA (16 CFR 1500.133) for the products to be covered by this ban:

Danger Extremely Flammable
Vapors May Cause Flash Fire
Vapors May Ignite Explosively

Prevent buildup of vapors—open all windows and doors—use only with cross-ventilation.

Keep away from heat, sparks, and open flame.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of reach of children.

An analysis prepared by the Commission staff of available injury data indicates that in spite of the cautionary labeling, accidents have continued to occur, inflicting serious injuries in much the same manner as those accidents that occurred prior to the issuance of the 1970

labeling regulation. The in-depth investigation reports analyzed by the Commission revealed that few users read the contact adhesive label. Although the present cautionary labeling could be revised to include more explicit and graphic warnings, such as those suggested by the commentator, the Commission concludes that as a result of the degree and nature of the risk of injury presented by the product, this labeling would also provide inadequate protection to the public.

The specific labeling suggested by the commentator is lengthy and might not be followed. The possibility of ignition from a source in another room or another part of the house may well be overlooked by the public, in spite of warnings on the label of the product. Ignition of the vapors may result in a sudden, flash back fire from the source of vapor ignition to the container of adhesive with little or no warning to the consumer and with the potential for serious or fatal injury to the user or bystanders. The degree and nature of the risk of injury is such that a bystander or visitor could present an ignition source resulting in an accident. (In one in-depth investigation, a co-worker standing nearby struck a match to light a cigarette, causing the contact adhesive vapors to ignite.) Since the bystander or visitor would not normally have an opportunity to read the warning label on the product, additional labeling would not benefit these potential victims.

For these reasons, the Commission does not believe that the commentators have shown that there is a feasible consumer product safety standard under the CPSA that would adequately protect the consumer from the unreasonable risk of injury associated with the contact adhesives within the scope of this ban.

3. SIZE OF CONTAINER OF CONTACT ADHESIVES COVERED BY THE PROPOSED BAN

One commentator suggested that the Commission ban extremely flammable contact adhesives in one-gallon and larger containers, instead of adhesives in containers larger than one-half pint. The commentator stated that banning adhesives in one-gallon and larger containers would limit the rate of adhesive use and the amount of combustible vapors in the application area. The commentator also stated that in the event of an accident, such a ban would restrict the size of the container holding the unused portion of the adhesive and thereby minimize the fire hazard.

In the preamble to the proposal (42 FR 35987) the Commission stated that the ban would apply to extremely flammable contact adhesives and other similar liquid or semiliquid products that are packaged in containers of more than one-half pint. The Commission proposed a ban of items in this size since data and technical calculations available to the Commission revealed that the volume of extremely flammable solvents from package sizes larger than one-half pint is sufficient to reach explosive atmospheric concentrations. These calculations also

indicated that, during use of the product, the lower flammable limit of solvents released from containers of one-half pint or less of contact adhesives would not be reached. The Commission continues to believe that the data and technical calculations are correct. Injury information available to the Commission indicates that injuries from vapor ignition and flashback fire have occurred during use of the product in container sizes smaller than one-gallon. The commentator has presented no data, and the Commission is not aware of data indicating that restricting the ban to contact adhesive in containers one-gallon and larger would adequately protect the public, either by limiting the rate of adhesive use and the amount of combustible vapors or by minimizing the flashback hazard. For these reasons the Commission has declined to adopt the suggestion of the commentator that the ban be limited to extremely flammable contact adhesives in containers one-gallon and larger.

Several commentators expressed concern that persons using the product may buy several one-half pint containers of extremely flammable contact adhesive and use them simultaneously, so that a hazard would still be presented.

The Commission believes that it is unlikely that consumers will purchase several small containers of extremely flammable contact adhesive to accomplish a task that could be achieved by one of the substitutes for extremely flammable contact adhesives in a larger size container. The larger size container with the substitute adhesive would probably be more convenient for the consumer to work with and may in some instances cost less on a volume basis, than the extremely flammable contact adhesive in the smaller size containers.

It is theoretically possible that if a consumer purchased several small containers of contact adhesives (one-half pint and under) and opened them simultaneously, a flashback explosion and fire could result. The Commission believes that it is more likely that a consumer would not open the containers simultaneously and spread the adhesive from these containers at the same time, so that the vapors would not reach explosive levels. At the present time, the injury data available to the Commission do not indicate that consumers have been injured by opening several cans of contact adhesives simultaneously and spreading the adhesive from these containers at the same time. For these reasons, the Commission declines to adopt the suggestions by the commentators that the ban be extended to cover extremely flammable contact adhesives in one-half pint and smaller containers.

4. SCOPE OF THE BAN

Several commentators requested clarification of the exclusion of contact adhesives that are labeled as, marketed, and sold solely for industrial use, at § 1302.1 (b) of the proposal. Several commentators stated that this provision could be further clarified by specifically excluding

from the ban extremely flammable contact adhesives in containers over 5 gallons. According to the commentators, adhesives in these containers are not often used by consumers.

The Commission declines to make the change suggested by the commentators since such a change could, in effect, enable manufacturers to market for sale to consumers the larger sizes of contact adhesives that would otherwise be banned. The Commission emphasizes, however, that contact adhesives that are true industrial products, that is, contact adhesives that are labeled as, marketed, and sold solely for industrial use as provided in § 1302.1 (b), are not within the scope of this ban.

The scope section of the proposal, at § 1302.1 (a), refers to extremely flammable contact adhesives that, among other things, are produced or distributed for the enjoyment of consumers. One commentator asked whether the enjoyment provision of this phrase would include contact adhesives that are introduced by a professional into a household.

This ban addresses the hazard of explosive vapor ignition and flashback fire associated with extremely flammable contact adhesives in containers over one-half pint. This hazard occurs only when the contact adhesive is applied. Products that are brought into a consumer's home by a professional may be used or enjoyed by a consumer. However, the Commission is not including within the scope of this ban products that professionals may use in a residence or other area accessible to the public, since the hazard is associated with these products only during application by the professional. After the adhesive has dried, there is no risk of injury to consumers from explosive vapor ignition and flashback fire. The exclusion of professional products applies only to products that are labeled as, marketed, and sold solely for professional use. Another federal agency, the Occupational Safety and Health Administration (OSHA), would have the authority under the Occupational Safety and Health Act of 1970 to take action concerning the risk of injury presented to professionals who use extremely flammable contact adhesives. The Commission is making its information concerning accidents involving professionals available to OSHA.

Several commentators expressed concern that the proposed ban would restrict the availability of contact adhesives in containers larger than one-half pint to the professional user. One commentator noted that at least one-half of the purchases of contact adhesives made available through retail outlets are by professional contractors, who purchase these adhesives through retail outlets that are open to consumers. The commentator noted that the quick drying properties of extremely flammable contact adhesives are desired by professionals, and would be preferable to slower drying, water based adhesives, which would be used as alternatives. Several commentators suggested that the Commission

establish acceptable procedures to allow this type of sale to professionals.

Another commentator requested that the Commission mandate a distribution mechanism that would ensure persons distributing extremely flammable contact adhesives for professional use that their product would not be a banned hazardous product.

Although the ban may limit the availability of extremely flammable contact adhesives in sizes over one-half pint to professionals, the Commission does not believe that the ban would preclude professionals from obtaining extremely flammable contact adhesives in containers larger than one-half pint. As provided in § 1302.1 the ban does not apply to products that are labeled as, marketed, and sold solely for industrial or professional use.

The Commission declines to adopt the commentators' suggestion to establish a distribution mechanism or distribution procedures. It is the responsibility of manufacturers, distributors, and retailers of industrial or professional contact adhesives to ensure that these products do not fall within the scope of the ban as a result of being sold to consumers. The manufacturer who markets an extremely flammable contact adhesive which would be subject to the ban if sold to consumers has the responsibility for determining the distribution and use patterns of its product and for taking all reasonable steps to ensure that the product is not made available for sale to consumers.

As a result of the difficulty of the manufacturer or distributor in policing the ultimate use of the product, one commentator suggested that the Commission ban all extremely flammable contact adhesives in sizes above one-half pint to 5 gallons, in order to preclude professionals from using these products in private homes.

The Commission declines to adopt the change suggested by the commentator that the Commission ban all contact adhesives in sizes above one-half pint to 5 gallons, to prevent professionals from using the products. The intended effect of the Commission's ban is to preclude consumers from using extremely flammable contact adhesives in containers over one-half pint. A product that is subject to more than occasional use by consumers would be subject to the ban, even if it were labeled for industrial or professional use only, or in a size container that is customarily used by industry or professionals. The ban does not extend to products that are labeled as, marketed, and sold solely for professional use, since the hazard associated with professional products occurs only during the use of the product by the professional.

5. DEFINITION OF THE PRODUCT COVERED BY THE BAN

In the proposal, at § 1302.3, the Commission defined the term extremely flammable contact adhesive and similar liquid or semiliquid consumer products as

products that have each of the following product characteristics:

- (i) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open-cup test method prescribed by 16 CFR 1500.43; and
- (ii) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated surfaces are joined under low or moderate pressure; and
- (iii) Are composed of a high percentage (70-90 percent by weight) of solvents and a low percentage of solids (10-30 percent by weight); and
- (iv) Are substances that are free-flowing, having a wet viscosity within the range of 300-6,000 centipoise (at 70 degrees Fahrenheit) when measured by an RVF Brookfield viscometer; and
- (v) Are packaged in containers of more than one-half pint.

Although the proposal did not specify a temperature for determining viscosity at (iv), this was an oversight. The Commission believes that the viscosity of extremely flammable contact adhesives should be determined at a temperature of 70 degrees Fahrenheit, since this temperature is appropriate for measuring the viscosity of these products. Accordingly, the Commission has incorporated in the definition a temperature of 70 degrees Fahrenheit as a condition for determining viscosity.

(a) *Definition of flash point.* One commentator suggested that a definition of flash point be included in the regulations and recommended that an ASTM proposed definition be included.

The commentator suggested the definition as follows: "Flash point(n)-the lowest temperature, corrected to a pressure of 101.3 kPa (1013 millibars) of a substance at which application of an ignition source causes the vapor above the substance to ignite under specified conditions of test." In order to avoid confusion in interpreting true flash point, the commentator recommended that the following note be added: "A blue light (blue halo) or other colored light which sometimes surrounds the test flame should not be confused with the true ignition of the vapors (flash point)."

The Commission agrees that the changes suggested by the commentator provide additional clarification and could eliminate confusion. Accordingly, the Commission has amended § 1302.3 to include these changes.

(b) *Lower viscosity limit.* One commentator recommended the elimination of the lower viscosity limit of 300 centipoise in the proposed definition claiming that this limit is unnecessary since it bears no relationship to the degree of hazard or to the consumer marketplace. This commentator stated that he manufactures a totally functional extremely flammable industrial contact adhesive with a viscosity of 200-300 centipoise that would not be covered by the ban and could be placed on the consumer market. However, another commentator

recommended that this limit be retained since there are no consumer contact adhesives with viscosities as low as 300 centipoise. Several commentators stated that adhesives with viscosities below 300 centipoise would be unsuitable and unacceptable for consumer use since these adhesives are too thin for satisfactory use by consumers. One other commentator agreed with the specified viscosity range.

The Commission believes that the lower viscosity limit, 300 centipoise, should remain as proposed. This limit is designed to provide a margin of tolerance in describing the products covered by the ban and is necessary to provide guidance concerning the products covered by the ban. The Commission is unaware of any extremely flammable contact adhesives with viscosity limits lower than 300 centipoise, when measured by an RVF Brookfield viscometer, that have been sold to, or used by consumers in the past or are likely to be sold or used by consumers in the future. For these reasons the Commission declines to make the change suggested by the commentator.

(c) *Similar liquid or semiliquid consumer products.* One commentator objected to the use of the phrase "similar liquid or semiliquid consumer products" in the proposed definition of the product at § 1302.3(b) since the word "similar" could conceivably cover all known adhesives. However, another commentator stated that this phrase was appropriate.

The Commission concludes that the phrase "similar liquid or semiliquid consumer products" should remain in the definition of the product. Since in order to be covered by the definition a product must fall within all of the product characteristics stated at § 1302.3(b), the definition does not apply to all adhesives. The Commission believes that the phrase "similar liquid or semiliquid consumer products" should eliminate any confusion about the Commission's intent to include within the scope of the ban those products that are not identified, by labeling or other means, as extremely flammable contact adhesives, but meet all of the product characteristics stated at § 1302.3(b).

(d) *Coverage of aerosol contact adhesives.* One commentator stated that the ban should not extend to aerosol contact adhesives, since these products are in sealed units, not allowing evaporation of the solvent, and since the aerosol is generally used only on small areas. The commentator also stated that the test procedure for testing the flammability of aerosols differs from the procedures for testing the flammability of liquids, so that different test procedures would be required for aerosols.

In the proposed definition the Commission did not intend to include aerosol contact adhesives. The Commission has not received any injury reports concerning aerosol contact adhesives. The Commission agrees with the commentator, and has accordingly clarified the definition, at § 1302.3(b), to specifically exclude aerosol contact adhesives from this ban.

(e) *Test method used to determine the flash point of contact adhesives.* Several commentators questioned the advisability of referencing at § 1302.3(b)(1), the Tagliabue open-cup test method for determining the flash point of contact adhesives (This test method is specified at 16 CFR 1500.43). One commentator stated that the Tagliabue open-cup test method is unreliable for most adhesive formulations, especially those having a flash point below room temperature.

Several commentators suggested that the Seta Flash Closed Cup Method be adopted as the replacement method (ASTM D-3278, Standard Test Methods For Flash Point of Liquids by Seta Flash Closed Tester) since this method is more reliable, more reproducible, and simpler, faster, and safer to perform. Another commentator suggested that as an alternative to the Seta Flash test method, another closed cup method could be used (ASTM D93-77, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, Method B) and explained in detail how closed cup methods are more accurate than the Tagliabue open-cup test method and require less time and effort. This commentator also suggested that use of a uniform test method would be less costly to manufacturers and would create less confusion. Closed cup test methods are used by the Department of Labor and the Department of Transportation, as well as the National Fire Protection Association and other organizations.

Although the Commission believes that the observations by the commentators concerning the Tagliabue open-cup test method and the closed cup test methods may be accurate, at this time the Commission declines to adopt the change suggested by the commentators. If the Commission adopted the suggestion of the commentators, then the Commission would be employing a different method for determining the flash points of volatile flammable materials under the Federal Hazardous Substances Act and Consumer Product Safety Act. The FHSA, at section 2(1), 15 U.S.C. 1261(1), defines degrees of flammability in terms of testing by the Tagliabue open-cup test. Since even with issuance of this ban under the CPSA cautionary labeling is still required under section 2(p) of the FHSA for certain contact adhesives, the Commission believes that it would be confusing to require testing under a different method to determine whether extremely flammable contact adhesives are banned under the CPSA.

6. EFFECT OF THE BAN ON THE COST AND UTILITY OF CONTACT ADHESIVES

In the proposal the Commission solicited comments concerning the economic considerations of the ban.

(a) *Costs to Consumers of Substitute Adhesives—(1) 1,1,1-Trichloroethane-based contact adhesives (chlorinated solvent contact adhesives).* Several commentators referred to the increased costs of 1,1,1-trichloroethane (1,1,1-TCE) based contact adhesives over the cost of extremely flammable contact adhesives.

The estimates for the cost increases to consumers ranged from 27 percent to 75 percent.

Information available to the Commission indicates that the price to consumers of 1,1,1-TCE based contact adhesive is about \$12-\$15 per gallon, as compared with approximately \$7.50-\$10.50 per gallon of extremely flammable contact adhesive. Although prices of contact adhesives vary with location and store, the Commission believes that a difference of \$3-\$5 per gallon between the chlorinated and extremely flammable type is probably typical.

(ii) *Water based contact adhesives.* One commentator stated that the water based contact adhesive is more expensive per volume (by a factor of 20-100 percent), but less expensive per unit of area as applied (by 25-50 percent) than extremely flammable contact adhesives.

Based on available information, the Commission believes that these figures are a reasonable estimate. Although a water based contact adhesive may cost 20-60 percent more than an equal volume of extremely flammable contact adhesive, the water-based contact adhesive contains nearly twice the proportion of solids as an extremely flammable contact adhesive and should theoretically cover twice the amount of area if the consumer properly applies the adhesive.

(iii) *Flammable petroleum-based contact adhesives.* One commentator estimated that the cost to consumers of flammable contact adhesives as compared with the extremely flammable type adhesive might be slightly higher (less than 10 percent).

The Commission believes that this information is consistent with information available. In gallon containers, flammable contact adhesives will probably cost 10-15 percent more than extremely flammable contact adhesives. The extremely flammable contact adhesive may cost \$7.50-\$10.50 in a gallon container, while the flammable adhesive might be available for \$8-\$11.00.

(b) *Utility of contact adhesives—(1) 1,1,1-TCE based contact adhesives (chlorinated solvent contact adhesives).* Although several commentators stated that 1,1,1-TCE based contact adhesives dried more slowly than extremely flammable contact adhesives, another comment stated that 1,1,1-TCE based contact adhesives were not slow drying.

Information available to the Commission indicates that 1,1,1-TCE based contact adhesives have approximately the same drying time before bonding as extremely flammable contact adhesives.

Although some commentators questioned the performance characteristics of chlorinated solvent adhesives, other commentators denied that these products present functional deficiencies.

Based on available information, the Commission believes that for most applications the performance of the 1,1,1-TCE based contact adhesive is very similar to that of extremely flammable contact adhesives.

(ii) *Water-based contact adhesives.* One commentator stated that commercially available adhesives normally dry in 25-45 minutes with 30-50 percent humidity, and that with 85-90 percent humidity no more than two hours is required for drying. Another commentator stated that these contact adhesives would require between 6 and 7 hours to dry at 50-85 percent humidity. Several commentators stated that water based adhesives, although available for consumer use, are not equivalent to solvent based contact adhesives in performance and may be unsatisfactory for certain tasks. One commentator stated that water based adhesives under normal humidity conditions are acceptable for consumer use, even though these adhesives cannot compete commercially with extremely flammable grades or flammable grades. Another commentator claimed that water based contact adhesives are functional.

Although most manufacturers assert that their product will dry in 30 minutes, this figure may be derived from tests conducted under ideal conditions. Information available to the Commission indicates that for most of the country a drying time of from one to four hours is probably more realistic. Drying time will vary with humidity. In some areas with very high humidity, this product may not be satisfactory since it will not effectively dry in any period of time. These adhesives can not be used on leather, since the water in these adhesives may have an adverse effect on leather. These adhesives may also be unsatisfactory for binding some substances with nonporous surfaces, such as metals. Information available to the Commission indicates that there are two basic types of water based contact adhesive, neoprene and acrylic. Water based neoprene contact adhesives may not be as satisfactory for most applications as organic solvent based products. This type of water based contact adhesive may also become unstable if it is frozen and thawed several times. This could present a problem in areas of the country where the product is shipped in unheated trucks in the winter.

Properties of water based acrylic adhesive may vary more significantly than other types of contact adhesives since there are many manufacturers of acrylic polymers and the properties of the polymers differ by manufacturer. The variance in polymers may lead to differences in adhesion characteristics and strength.

7. SAFETY CONSIDERATIONS CONCERNING 1,1,1-TRICHLOROETHANE BASED CONTACT ADHESIVES (CHLORINATED SOLVENT CONTACT ADHESIVES)

One commentator stated that chlorinated solvent contact adhesive had, from his experience, led to complaints of illness and headache. Another commentator recommended that persons with heart problems not use chlorinated adhesives. According to the commentator these persons usually have liver problems. The

solvents could be potentially damaging to the liver and could aggravate the heart condition. The commentator also recommended that persons with asthmatic or respiratory conditions not be exposed to 1,1,1-TCE since this solvent confuses the brain's respiration message rate, leading to an aggravation of the user's condition.

Although one commentator stated that nonflammable chlorinated solvent adhesives are hazardous when used without ventilation, another commentator noted that nonflammable contact adhesives with 1,1,1-TCE solvent are not toxic when used in the absence of ventilation. The commentator, a manufacturer of these adhesives, stated that he had not received any complaints about people becoming ill from using this product.

Information available to the Commission indicates that 1,1,1-TCE has a very low level of toxicity ("Industrial Hygiene and Toxicology", Volume II, Frank H. Patty, Editor). The Commission has received animal studies and human experience data, submitted by Dow Chemical Co. indicating that 1,1,1-TCE has a low level of toxicity. Analysis by the Commission staff indicates that the degree of exposure to 1,1,1-TCE in these contact adhesives would be well below the Threshold Limit Value at which hazardous effects might occur.

Several commentators expressed concern over the possibility that phosgene gas could be produced from 1,1,1-TCE based contact adhesives by an ignition source. However, another commentator stated that the phenomenon is restricted to arc welding applications and catalyzed metal surfaces. This commentator stated that potential conversion to phosgene would be small in adhesive applications, since ignition sources are low temperature flames.

Although information available to the Commission indicates that phosgene may be formed if 1,1,1-TCE comes into contact with flame sources or sufficiently hot surfaces, the Commission does not believe that significant amounts of phosgene would be formed at the relatively low temperature sources and limited contact that could be expected during normal consumer use of 1,1,1-TCE contact adhesives. At the present time the Commission does not have sufficient information to confirm or deny the allegation that a harmful amount of phosgene gas could be produced from 1,1,1-TCE based contact adhesives. The Commission does not have any injury reports concerning this alleged hazard.

In the preamble to the proposed ban (42 FR 35988) the Commission referred to a National Cancer Institute (NCI) report of the results of a test of 1,1,1-TCE for cancer causing activity with rats and mice. NCI concluded that these studies did not show 1,1,1-TCE to be carcinogenic. The Commission sought comments on this aspect.

Several commentators questioned whether 1,1,1-TCE used in a substitute adhesive, is carcinogenic. One com-

mentor questioned the conclusiveness of a NCI test of 1,1,1-TCE for cancer-causing activity with rats and mice.

The information presently available to the Commission concerning the possible carcinogenicity of 1,1,1-TCE used in a substitute adhesive is inconclusive. NCI reported that a variety of neoplasms were represented in both, 1,1,1-TCE treated and matched-control rats and mice. However, each type of neoplasm has been encountered previously as a lesion in untreated rats or mice. The neoplasms observed were not attributable to 1,1,1-TCE exposure, since no relationship was established between the dosage groups, the species, sex, type of neoplasm, or the site of occurrence. Even if such a relationship were inferred, it would be inappropriate to make an assessment of carcinogenicity of 1, 1, 1-TCE on the basis of this test, because of the abbreviated life spans of both the rats and mice. These studies were not completely adequate tests of carcinogenicity because of the short survival time of the dosed animals.

Since presently available information concerning the possible carcinogenicity of 1, 1, 1-TCE used in one substitute adhesive is inconclusive, and since other substitutes without 1,1,1-TCE are available, the Commission does not believe that the lack of conclusive information concerning the carcinogenicity of 1,1,1-TCE should prevent the Commission from banning the extremely flammable contact adhesives within the scope of this ban.

8. EXTENSION OF THE PROPOSAL TO COVER FLAMMABLE CONTACT ADHESIVES

In the preamble to the proposal (42 FR 35987) the Commission stated that although the proposed ban extended only to extremely flammable contact adhesives having a flash point at or below 20°F, the Commission had received communications from manufacturers of contact adhesives who recommended that the Commission also ban "flammable" contact adhesives (contact adhesives having a flash point above 20 degrees Fahrenheit and including 80 degrees Fahrenheit, as defined in section 2 of the FHSA, 15 U.S.C. 1261). These manufacturers stated that the hazard associated with at least certain flammable contact adhesives would be similar to the hazard associated with extremely flammable contact adhesives. In the proposal the Commission stated that it was especially interested in receiving comments from interested persons concerning the need to extend the proposed ban to include all flammable contact adhesives or certain flammable contact adhesives with a specified flash point between 20 degrees Fahrenheit and 80 degrees Fahrenheit.

The Commission received several comments concerning the need to extend the proposed ban to include some or all contact adhesives that are "flammable."

Several commentators argued for extending the proposal to cover these ad-

hesives, while other commentators argued against such an extension. The Commission believes that additional staff evaluation and analysis is necessary before a decision can be made on the need to extend the proposed ban to include some or all contact adhesives that fall within the flammable range. Although at the present time the Commission has not decided to extend the proposed ban, the Commission may propose such an extension if the Commission believes that an extension is warranted.

9. EFFECTIVE DATE

In the preamble to the proposed ban (at 42 FR 35987) the Commission proposed that the effective date of the ban be on the 30th day following issuance of any regulation. As of this date all contact adhesives, as defined in the proposal, would be banned hazardous products under section 8 of the CPSA, including contact adhesives covered by the regulation that are in commerce on the effective date.

Several commentators requested that the effective date of the ban be extended beyond the 30 day period set forth in the proposal, in order to avoid any hardships on distributors or retailers.

Other commentators, manufacturers of contact adhesives, stated that they desired the ban to become effective immediately without delay.

The Commission has considered the possible adverse economic impact of a 30 day effective date on inventories of manufacturers, distributors, and retailers. In order to protect the consumer against any continued proliferation of the product covered by the ban, the Commission believes that, similar to the proposal, the ban should become effective as to products that are manufactured or initially introduced into commerce on the 30th day following publication of the rule. This provision will prevent, in a short amount of time, manufacturers from manufacturing the banned product and will prevent manufacturers from shipping the banned product to distributors, retailers, or consumers. However, in order to minimize any adverse effects of the ban on distributors or retailers with inventories of extremely flammable contact adhesives that would be frozen if these products were banned at an early effective date, the Commission concludes that for distributors and retailers, the effective date should be delayed. The proposal would have banned products in commerce on the 30th day following publication of the FR notice. The Commission concludes that, as to any distributors and retailers who have inventories of products that were manufacturer or initially introduced into commerce before the 30th day, the ban should become effective on the 180th day following publication of the ban in the FEDERAL REGISTER.

Commonly accepted industry estimates are that under normal circumstances there is approximately a six months

supply of all types of contact adhesives in the distribution chain. However, as a result of the Commission's regulatory activity, the Commission believes that there is less than the normal amount of extremely flammable contact adhesive in the chain of distribution at this time. Current inventories of distributors and retailers of extremely flammable contact adhesives have been reduced to one-half to two-thirds of previous normal levels. About 0.5-1.0 million gallons are estimated to be in the distribution chain for sale to consumers at this time.

Therefore, the Commission declares below at § 1302.4 that extremely flammable contact adhesives, as defined at § 1302.3(b), which have been manufactured or initially introduced into commerce 30 or more days after publication of this rule are banned hazardous products. This means that a banned hazardous product, having been manufactured or initially introduced into commerce, retains its status as a banned hazardous product; thus, its subsequent sale, offering for sale, or distribution in commerce, is prohibited by any person in the chain of distribution. In addition, the Commission declares that all other extremely flammable contact adhesives, as defined at § 1302.3(b), no matter when manufactured or initially introduced into commerce, are banned hazardous products 180 or more days after publication of this rule. (As stated below in § 1302.3(d) of the rule, initial introduction into commerce of this product occurs when the product is physically shipped from a manufacturer's facility to a distributor, retailer, or consumer.)

In summary, 30 days after publication of this rule, manufacturers will be prohibited from manufacturing or shipping the product to distributors, retailers or consumers. Further, 180 days after publication of this rule, distributors and retailers will be prohibited from selling, offering for sale, or distributing any of the described products, no matter when manufactured or initially introduced into commerce.

One commentator claimed that application of the ban to products that are in commerce on the effective date of the ban would, as a practical matter, require repurchase of banned hazardous products by the manufacturer from wholesalers, retailers, or consumers.

Although it is possible that persons in the chain of distribution, or consumers, may return extremely flammable contact adhesives to the manufacturer, such action would involve private contractual arrangements and is not required by the Commission. If such products are returned, the products may be resold for industrial or professional use or repackaged in containers of one-half pint and smaller for distribution to consumers. The staggered effectiveness of the ban, with its delayed application to distributors and retailers, should minimize the extent of returns to manufacturers.

D. FINDINGS

1. *CPSA Section 8.* Sections 8 (1) and (2) of the CPSA require that, before issuing a consumer product safety rule declaring a product to be a banned hazardous product, the Commission shall find: (1) That the product presents an unreasonable risk of injury and (2) that no feasible safety standard can adequately protect the public from the unreasonable risk of injury associated with the product.

(a) *Unreasonable risk of injury.* This regulation is intended to reduce or eliminate the unreasonable risk of injury of burns from explosive vapor ignition and flashback fire associated with certain extremely flammable contact adhesives. Having considered available information (summarized at section 1302.5) concerning the degree and nature of the risk of injury associated with the product, including the frequency and severity of injuries, as well as economic considerations of the ban, including potential effects of the ban on the cost, utility, and availability of contact adhesive the Commission finds that the risk outweighs the effect of the rule on the cost, utility, and availability of the product. The Commission concludes that extremely flammable contact adhesives in containers or more than one-half pint present an unreasonable risk of injury of burns from explosive vapor ignition and flashback fire.

In finding that extremely flammable contact adhesives present an unreasonable risk of injury the Commission has considered the following information concerning the risk of injury presented by these products:

(i) *Degree of the risk of injury presented by extremely flammable contact adhesives.* In October 1976, the Commission's staff prepared a report entitled: Hazard Analysis of Contact Adhesive Fires. According to the Hazard Analysis, three factors that measure burn severity are percent of body burned, days hospitalized, and whether clothing ignition occurs. Injury data sources summarized in the Hazard Analysis reveal that contact adhesive fires often result in a high percent of body burned, result in many days hospitalized, and usually involve clothing ignition burns. For example, 35 of the Commission's in-depth investigation reports between November 1967 and July 1976 indicate that over two-thirds (32) of the 48 injured victims were hospitalized from their burns, that over half (19) of the 32 hospitalized victims sustained burns to 30 percent or more of their body area, and that five of the victims died from their burns. Clothing ignited on over half (28) of the victims who sustained burn injuries. All except one of the victims whose clothing ignited were hospitalized (21) or died from their burns (5). The in-depth investigations summarized in the Hazard analysis reveal that of the 14 victims who were treated and released, all sustained burns to their hands and arms.

Since the Hazard Analysis on Contact Adhesives was completed in October, 1976, there have been an additional ten

in-depth investigations of fires involving contact adhesives. These investigations show that the same types of contact adhesives, ignition sources, resulting burn injuries, and accident sequences that involved this product are continuing to occur.

The American Burn Association (ABA) participated in a special survey with the Commission to obtain an estimate of the incidence and severity of burns associated with the use of contact adhesive cements. In January 1976, the President of the ABA sent a letter to the 1,300 ABA members asking the members to record any thermal injuries or deaths that have occurred between January 1975 and March 1976 associated with contact adhesives. In November 1976, the Chairman of the ABA Committee on Burn Prevention submitted a statement to the Commission estimating that between 45 and 125 contact adhesive related injuries are treated annually in hospital emergency rooms. Although ABA members reported an annual rate of 20 severe burn injuries for the January 1975 to March 1976 period, the actual rate of severe burn injuries may be higher, since only approximately 400 hospitals, less than 10 percent of the country's short term hospitals, are represented in ABA membership. The results of the ABA survey, as reported by the ABA Chairman, showed that the injuries treated by members resulted in an average hospitalization of 42 days, almost double the length of stay for all burn victims in special facilities for burns. According to the ABA Chairman, when a burn victim experiences such a lengthy stay, it is an indication of very severe injury and predicts a lengthy period of recuperation and potentially permanent physical and psychological consequences.

The Hazard Analysis prepared by the Commission's staff also contains a summary of the results of the ABA survey. According to the Commission's staff, the ABA survey revealed 33 incidents with sufficient details for analysis. Nine of the victims died from their burns and 21 were hospitalized. The average body area burned was 40 percent. In addition, the victims' clothing ignited on all except three of the 33 victims.

The Hazard analysis also contains a summary of contact adhesive related fires in the National Fire Protection Association's (NFPA) Fire Incident Data Organization (FIDO), a computerized file of fire experience that includes data collected from 1971 to 1975. The NFPA files contained reports of 38 fires from 1971 to 1975, seven of which occurred in residences. These seven fires resulted in injuries to fifteen persons and deaths to three persons.

In addition to the above injury information, the Hazard Analysis also indicates that the Commission has received three death certificates specifying the involvement of an adhesive.

According to the Hazard Analysis, after cases from the various data sources were verified as being mutually exclusive, at least 130 persons have been injured in

contact adhesive fires since 1970. Fifteen of these persons subsequently died from the injuries they sustained in these accidents.

Technical analysis of extremely flammable contact adhesives by the Commission's staff indicates that the degree of the hazard associated with these products is such that as little as one pint of extremely flammable contact adhesive may produce a substantial explosion hazard.

(ii) *Nature of the risk of injury presented by extremely flammable contact adhesives.* Technical analysis of these substances by the Commission's staff indicates that extremely flammable contact adhesives have a low flash point (20°F or below), a rapid evaporation rate (as a result of a high percentage of solvents, 70-90 percent by weight, a low percentage of solids, 10-30 percent by weight) and a low wet-viscosity (300-6,000 centipoise at 70 degrees Fahrenheit when measured by an RVF Brookfield viscometer).

Flash point, viscosity, low solid to high solvent ratio, evaporation rate, size of application area, and rate of application are factors which determine the potential for creating an ignitable vapor situation. The rapid rate of evaporation of extremely volatile, low flash point solvents from extremely flammable contact adhesives is capable of creating a highly explosive atmosphere. The flammable nature of these contact adhesives is such that the vaporized solvents from these products can be ignited by a sparking electric motor or an overlooked pilot light in an area remote from the site of use. Analysis of actual injury reports by the Commission's staff reveals that extremely flammable contact adhesives have, in fact, been ignited by many ignition sources, including oven and stove pilot lights, water heater and furnace pilot lights, electric space heaters (without any visible flame), sparks from a refrigerator motor and a wall receptacle, and friction. Analysis of available injury reports has shown that these ignition sources are frequently located in areas of the house remote from the room in which the contact adhesive is being used.

The possibility of ignition from a source in another room or another part of the house may well be overlooked by the public, in spite of warnings on the label of the product. Ignition of the vapors may result in a sudden, flash back fire from the source of vapor ignition to the container of adhesive, with little or no warning to the consumer and with the potential for serious or fatal injury to the user or bystanders. The injury information available to the Commission shows that the vast majority of accidents occur while the product is being used for its intended purpose. The potential for serious injury, therefore appears to be present during normal use of the product.

(iii) *Adequacy of cautionary labeling under the FHSA.* At the present time, extremely flammable contact adhesives distributed in containers of more than one-half pint intended or suitable for

household use, must as a minimum bear the following cautionary labeling for the hazard caused by the extreme flammability of the mixture:

Danger

Extremely Flammable

Vapors May Cause Flash Fire
Vapors May Ignite Explosively

Prevent buildup of vapors—open all windows and doors—use only with cross-ventilation.

Keep away from heat, sparks and open flames.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of reach of children.

This cautionary labeling is presently required as a result of a labeling regulation, issued under the FHSA and found at 16 CFR 1500.133. However, an analysis prepared by the Commission staff of the available injury data indicates that in spite of the cautionary labeling, accidents have continued to occur, inflicting serious injuries in much the same manner as those accidents that occurred prior to the issuance of the 1970 labeling regulation. The in-depth investigation reports indicate that flammability warning labels were present on the contact adhesive in 31 of the total 35 cases (it is unknown whether flammability labeling was present in the other four cases). However, when the in-depth cases were analyzed by the Commission staff to determine if the user either read, comprehended, or observed the cautionary label, only eight of the 36 adult users stated that they had actually read the contact adhesive label.

Although in the injury reports available to the Commission, many persons stated that they thought they had taken the necessary precautions, the in-depth investigations indicate that most of the victims were unaware of the dangers of extremely flammable contact adhesives in spite of the cautionary labeling. Although many users reported that they had previously used contact adhesives (the in-depth injury investigation reports showed that many of the injured were in the building construction trade) and stated that they were aware of the contact adhesives were flammable, the users apparently underestimated the hazards associated with the product, in spite of existing cautionary labeling.

Based on currently available injury information, it may reasonably be concluded that the present labeling requirements recommend protective measures that are unlikely to be followed in practice. For example, on the day of the accident, the user may take some precautions, yet may overlook an unsuspected ignition source with disastrous consequences. Or, as another example, the currently required labeling directs the user to open all windows and doors to prevent buildup of vapors. However, in winter time, or in cold areas of the coun-

try, consumers may be less likely to follow this recommendation, or may follow the recommendation but use a space heater, presenting an ignition source.

The cautionary labeling presently required could be revised to include more explicit and graphic warnings. However, as a result of the degree and nature of the risk of injury presented by the product, this labeling would also provide inadequate protection to the public. The degree and nature of the risk of injury is such that a bystander or visitor could present an ignition source resulting in an accident. (In one in-depth investigation, a co-worker standing nearby struck a match to light a cigarette, causing the contact adhesive vapors to ignite). Since the bystander or visitor would not normally have an opportunity to read the warning label on the product, additional labeling would not benefit these potential victims.

(b) *No Feasible Safety Standard.* The Commission finds that there is no known technology that, when applied to contact adhesives, as defined in the rule, would adequately protect the public. The Commission believes that any product having the characteristics set forth in the rule at 16 CFR 1302.3 would present an unreasonable risk of injury from explosive vapor ignition and flashback fire.

Although a standard under the CPSA may require a product to bear warnings or instructions, the Commission, at § 1303.5 of this rule, has discussed why present cautionary labeling is inadequate and has discussed why modification of the present cautionary labeling or additional cautionary labeling would not adequately protect the public.

For these reasons, the Commission determines that there is no feasible consumer product safety standard under the CPSA that would adequately protect the consumer from the unreasonable risk of injury associated with contact adhesives within the scope of this rule.

2. *CPSA Section 9(b).* Section 9(b) of the CPSA, 15 U.S.C. 2058(b), as amended requires the Commission to consider and take into account in the promulgation of a rule the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by such rule. The Commission has considered these needs and has determined that no adverse effect on elderly or handicapped persons will result from this regulation. It is in the best interest of the entire public, including the elderly and handicapped, that the contact adhesives covered by this rule be banned. There are substitute products available at a minimal cost increase that closely parallel the performance characteristics of the products subject to this ban.

3. *CPSA Section 9(c).* Section 9(c) of the CPSA requires that prior to promulgating a consumer product safety rule the Commission shall consider and shall make certain appropriate findings for inclusion in such a rule. The findings required by section 9(c) of the Act have

been made by the Commission and are incorporated in § 1302.5 of the rule below.

E. ENVIRONMENTAL IMPACT OF THE BAN

Based on its environmental assessment, the Commission believes that the ban will not significantly affect the environment and that no environmental impact statement is necessary.

In the preamble to the proposed regulation the Commission stated that a question had been raised concerning the carcinogenicity of chlorinated compounds that might be used in the manufacture of substitute contact adhesive products. The Commission solicited and received comments on this aspect. As stated earlier in this FEDERAL REGISTER notice, presently available information is inconclusive on the issue whether these chlorinated compounds are carcinogens.

The environmental assessment is available for review in the Office of the Secretary of the Commission.

F. CONCLUSION

Having considered the published proposal, the oral and written responses to the proposal, and other relevant material, the Commission issues a ban of certain extremely flammable contact adhesives as set forth below.

Therefore, pursuant to the provisions of the Consumer Product Safety Act (secs. 8 and 9, 86 Stat. 1215-1217, as amended, 90 Stat. 506, 15 U.S.C. 2057, 2058) a new Part 1302 is added to Title 16, Chapter II, Subchapter B as follows:

Sec.	Scope and application.
1302.1	Purpose.
1302.2	Definitions.
1302.3	Banned hazardous products.
1302.4	Findings.
1302.5	Effective date.

AUTHORITY: Secs. 8, 9; 86 Stat. 1215-1217 as amended; 90 Stat. 506; (15 U.S.C. 2057, 2058).

§ 1302.1 Scope and application.

(a) In this Part 1302 the Consumer Product Safety Commission (Commission) declares extremely flammable contact adhesives and similar liquid or semiliquid consumer products to be banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those extremely flammable contact adhesives and similar liquid or semiliquid consumer products, as defined in § 1302.3(b), which are in commerce or are being distributed in commerce on or after the effective date of this regulation, and which are consumer products (as defined in section 3(a) of the Act (15 U.S.C. 2052) customarily produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

(b) An extremely flammable contact adhesive as defined in § 1302.3(b) is a banned hazardous product if the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to, or use by consumers,

or if the manufacturer, distributor, or retailer fosters or facilitates the product's sale to, or use by, consumers. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, for sale to consumers would be included in the scope of the ban even though such outlets may sell such products primarily to industrial or professional users. The manufacturer who markets an extremely flammable contact adhesive which would be subject to the ban if sold to consumers has the responsibility for determining the distribution and use patterns of its product and for taking all reasonable steps to ensure that the product is not made available for sale to consumers. The test of whether a contact adhesive is banned shall be whether the product, under any customary or reasonably foreseeable condition of distribution, or sale, is made available for purchase by consumers.

(c) Contact adhesives that are labeled as, marketed, and sold solely for industrial or professional use are not within the scope of this ban. However, merely labeling a contact adhesive for industrial or professional use only would not exclude such products from this ban. In addition, packaging a contact adhesive in a large size container would not in itself exclude the product from this ban.

(d) The Commission has found that the contact adhesives covered by this ban are being, or will be distributed in commerce; and present an unreasonable risk of injury; and that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products.

§ 1302.2 Purpose.

The purpose of this rule is to ban extremely flammable contact adhesives which have been found to present an unreasonable risk of injury to consumers of burns resulting from explosive vapor ignition and flashback fire.

§ 1302.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1302.

(b) The term extremely flammable contact adhesive and similar liquid or semiliquid consumer products means consumer products that have each of the following product characteristics:

(1) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open-cup test method prescribed by 16 CFR 1500.43; and

(2) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated surfaces are joined under low or moderate pressure; and

(3) Are composed of a high percentage (70-90 percent by weight) of solvents and a low percentage of solids (10-30 percent by weight); and

(4) Are substances that are non-aerosols and are free-flowing, having

a wet viscosity within the range of 300-6,000 centipoise at 70 degrees Fahrenheit when measured by an RVF Brookfield viscometer; and

(5) Are packaged in containers of more than one-half pint.

(c) The term "flash point" means the lowest temperature corrected to a pressure of 101.3 kPa (1013 millibars) of a substance at which application of an ignition source causes the vapor above the substance to ignite under specified conditions of test. A blue light (blue halo) or other colored light which sometimes surrounds the test flame should not be confused with the true ignition of the vapors (flash point).

(d) "Initial introduction into commerce" occurs when the manufacturer ships a product covered by this regulation from a facility of the manufacturer to a distributor, retailer, or consumer.

§ 1302.4 Banned hazardous products.

Any extremely flammable contact adhesive and similar liquid or semiliquid consumer product as defined in § 1302.3 (b), which has been manufactured or initially introduced into commerce after January 17, 1978, is a banned hazardous product. In addition, any other extremely flammable contact adhesive and similar liquid or semiliquid consumer product, as defined in § 1302.3 (b), no matter when manufactured or initially introduced into commerce, is a banned hazardous product after June 13, 1978.

§ 1302.5 Findings.

(a) *The degree and nature of the risk of injury.* The Commission finds that the risk of injury which this regulation is designed to eliminate or reduce is the risk of injury of burns from explosive vapor ignition and flashback fire associated with extremely flammable contact adhesives as defined in this rule.

(1) *Degree of the risk of injury presented by extremely flammable contact adhesives.* (i) In October 1976, the Commission's staff prepared a report entitled Hazard Analysis on Contact Adhesive Fires. According to the Hazard Analysis, three factors that measure burn severity are percent of body burned, days hospitalized, and whether clothing ignition occurs. Injury data sources summarized in the Hazard Analysis reveal that contact adhesive fires often result in a high percent of body burned, result in many days hospitalized, and usually involve clothing ignition burns.

(ii) The American Burn Association (ABA) participated in a special survey with the Commission to obtain an estimate of the incidence and severity of burns associated with the use of contact adhesive cements. In January 1976, the President of the ABA sent a letter to the 1,300 ABA members asking the members to record any thermal injuries or deaths that have occurred between January 1975 and March 1976 associated with contact adhesives. In November 1976, the Chairman of the ABA Committee on Burn Prevention submitted a statement to the Commission estimating that between 45

and 125 contact adhesive related injuries are treated annually in hospital emergency rooms. Although ABA members reported an annual rate of 20 severe burn injuries for the January 1975 to March 1976 period, the actual rate of severe burn injuries may be higher, since only approximately 400 hospitals, less than 10 percent of the country's short-term hospitals, are represented in ABA membership. The results of the ABA survey, as reported by the ABA Chairman, showed that the injuries treated by members resulted in an average hospitalization of 42 days, almost double the length of stay for all burn victims in special facilities for burns. According to the ABA Chairman, when a burn victim experiences such a lengthy stay, it is an indication of very severe injury and predicts a lengthy period of recuperation and potentially permanent physical and psychological consequences.

(iii) The Hazard Analysis prepared by the Commission's staff also contains a summary of the results of the ABA survey. According to the Commission's staff, the ABA survey revealed 33 incidents with sufficient details for analysis. Nine of the victims died from their burns and 21 were hospitalized. The average body area burned was 40 percent. In addition, the victims' clothing ignited on all except three of the 33 victims.

(iv) The Hazard Analysis also contains a summary of contact adhesive related fires in the National Fire Protection Association's (NFPA) Fire Incident Data Organization (FIDO), a computerized file of fire experience that includes data collected from 1971 to 1975. The NFPA files contained reports of 38 fires from 1971 to 1975, seven of which occurred in residences. These seven fires resulted in injuries to fifteen persons and deaths to three persons.

(v) In addition to the above injury information, the Hazard Analysis also indicates that the Commission has received three death certificates specifying the involvement of an adhesive.

(vi) According to the hazard analysis, after cases from the various data sources were verified as being mutually exclusive at least 130 persons have been injured in contact adhesive fires since 1970. Fifteen of these persons subsequently died from the injuries they sustained in these accidents.

(vii) Technical analysis of extremely flammable contact adhesives by the Commission's staff indicates that the degree of the hazard associated with these products is such that as little as one pint of extremely flammable contact adhesive may produce a substantial explosion hazard.

(2) *Nature of the risk of injury presented by flammable contact adhesives.* (i) Technical analysis of these substances by the Commission's staff indicates that extremely flammable contact adhesives have a low flash point (20°F or below), a rapid evaporation rate (as a result of a high percentage of solvents, 70-90 percent by weight, a low percentage of solids, 10-30 percent by weight),

and a low wet-viscosity (300-6,000 centipoise when measured by an RVF Brookfield viscometer).

(ii) Flash point, viscosity, low solid to high solvent ratio, evaporation rate, size of the application area, and rate of application are factors which determine the potential for creating an ignitable vapor situation. The rapid rate of evaporation of extremely volatile, low flash point solvents from extremely flammable contact adhesives is capable of creating a highly explosive atmosphere. The flammable nature of these contact adhesives is such that the vaporized solvents from these products can be ignited by a sparking electric motor or an overlooked pilot light in an area remote from the site of use. Analysis of actual injury reports by the Commission's staff reveals that extremely flammable contact adhesives have, in fact, been ignited by many ignition sources including oven and stove pilot lights, water heater and furnace pilot lights, electric space heaters (without any visible flame), sparks from a refrigerator motor and a wall receptacle, and friction. Analysis of available injury reports has shown that these ignition sources are frequently located in areas of the house remote from the room in which the contact adhesive is being used.

(iii) The possibility of ignition from a source in another room or another part of the house may well be overlooked by the public, in spite of warnings on the label of the product. Ignition of the vapors may result in a sudden, flash back fire from the source of vapor ignition to the container of adhesive with little or no warning to the consumer and with the potential for serious or fatal injury to the user or bystanders. The injury information available to the Commission shows that the vast majority of accidents occur while the product is being used for its intended purpose. The potential for serious injury, therefore, appears to be present during normal use of the product.

(iv) Although the Commission has in the past required the extremely flammable contact adhesives now subject to this ban to bear minimum-cautionary labeling for the hazard caused by the extreme flammability of the mixture, the Commission finds that this cautionary labeling is inadequate to protect the public. An analysis prepared by the Commission staff of the available injury data indicates that in spite of the cautionary labeling, accidents have continued to occur, inflicting serious injuries in much the same manner as those accidents that occurred prior to the issuance of the 1970 labeling regulation. The cautionary labeling presently required could be revised to include more explicit and graphic warnings. However, as a result of the degree and nature of the risk of injury presented by the product, this labeling would also provide inadequate protection to the public. The degree and nature of the risk of injury is such that a bystander or visitor could present an ignition source resulting in an accident. Since the bystander or visitor would not

normally have an opportunity to read the warning label on the product, additional labeling would not benefit these potential victims. The possibility of ignition from a source in another room or another part of the house may well be overlooked by the public, in spite of warnings on the label of the product.

(b) *Products Subject to this Ban.* (1) The products banned by this rule are listed in § 1302.1.

(2) The Commission finds that the types of products subject to this ban are those contact adhesives that are extremely flammable and are packaged in containers of more than one-half pint. The average annual consumption of all types of contact adhesives in the United States is estimated at approximately 25 million gallons. Of this, it is estimated that 4-5 million gallons are sold in containers of 1 gallon or less, the sizes consumers generally buy. Professional users are estimated to purchase about half of the contact adhesives in this size range with most purchases probably of gallon containers. Therefore, consumers probably purchase 2-2.5 million gallons of all contact adhesives, most of which is estimated to be in quart containers, and a smaller amount in containers of one pint or less.

(3) In early 1976, contact adhesive sales were estimated as 80 percent extremely flammable, 10 percent chlorinated-solvent based, and 10 percent water-based. Since that time, a flammable petroleum solvent based contact adhesive has been developed and there has been a trend away from extremely flammable to flammable and nonflammable for consumer use. Although this trend is evident, reliable estimates of current market shares are not available. A rough estimate would be that perhaps 50 percent of contact adhesives in container sizes of more than one-half pint to 1 gallon are extremely flammable.

(c) *Need of the public for the products and effects of the rule on their utility, cost, and availability.*

(1) *The need for contact adhesives.* Contact adhesives are used primarily for bonding plastic laminates to counter and table tops, for applying tile board to walls, and for applying some types of flooring. Other uses include bonding metals, wood, leather, linoleum, tiles, rubber and plastics. Contact adhesives may also be used in furniture construction and repairs. There are contact adhesives available other than the extremely flammable type and other alternatives to contact adhesives that consumers can use.

(2) *Probable effects of the ban on the utility of contact adhesives.* Of the three general types of contact adhesive other than extremely flammable contact adhesives, flammable and non-flammable (chlorinated) contact adhesives have about the same general performance characteristics as extremely flammable contact adhesives. Therefore, because these two products are available to the public, the Commission believes the ban will have little impact on the utility of contact adhesives. In terms of perform-

ance characteristics, there is little difference between flammable and extremely flammable contact adhesives. Although the extremely flammable product requires approximately 10 minutes of drying time before the item can be bonded, the flammable product requires about 20 minutes. This difference in time is not likely to be significant for most consumers who do ordinary home improvement or repair work. The performance characteristics of non-flammable chlorinated based contact adhesives are similar to those of the extremely flammable type for most applications. Non-flammable chlorinated based contact adhesives may be unacceptable for applications involving leather. Water based contact adhesives may not be as satisfactory, in terms of performance characteristics, as the other contact adhesives. The drying time for water-based contact adhesives varies with humidity. Although manufacturers of water-based neoprene contact adhesives claim that their products will dry in 30 minutes, for most of the country a drying time from one to four hours is probably more realistic. It is possible that the adhesive will never dry in some areas of the country with very high humidity. The time needed for the adhesive to adhere after joining (open time) will also vary with the humidity. Water-based acrylic contact adhesives are similar to neoprene type adhesives in terms of the effect of humidity on drying time. The neoprene and acrylic based adhesives are not completely satisfactory for binding some substances with non-porous surfaces, such as metals. In addition, the water in these adhesives might have an adverse effect on leather. Neoprene water-based adhesives may become unstable if frozen and thawed several times. This may occur during shipping or storage in some areas of the country during deaths associated with the extremely winter. To the extent that injuries and flammable contact adhesives are reduced or eliminated as a result of the ban, the utility of contact adhesives will be increased.

(3) *Probable effects of the ban upon the cost of contact adhesives.* For gallon containers, the Commission estimates that the contact adhesives available as substitutes for the extremely flammable type may cost in the range of \$1-\$6 more than the extremely flammable type. Although a gallon of extremely flammable contact adhesive may cost \$7.50-\$10.50, a gallon of flammable contact adhesive may cost from \$8-\$11, a gallon of nonflammable chlorinated base contact adhesive may cost from \$12-\$15, a gallon of water-based neoprene contact adhesive may cost from \$11-\$16, and a gallon of water-based acrylic contact adhesive may cost from \$10-\$15.

(4) *Probable effect of the ban on the availability of contact adhesives to meet the need of the public.* The Commission estimates that the ban will not have any effect on the availability or use of contact adhesives. Manufacturers are most likely to switch production to flam-

mable petroleum-based and to 1,1,1-trichloroethane (1,1,1-TCE) based or water-based contact adhesives.

(d) *Alternatives.* (1) The Commission has considered other means of achieving the objective of this rule, such as labeling, but has found none that would achieve the objective of this ban, consistent with the public health and safety.

(2) The Commission believes that any adverse effects of the ban should be minimal and would be expected to be confined to some shift in distribution patterns to accommodate professional users, including methods of distinguishing between professional users and consumers.

(3) The Commission finds that competition should not be significantly affected by this rule.

(e) *Conclusion.* The Commission finds that this rule, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risk of injury of burns from explosive vapor ignition and flashback fire that is associated with the banned products described in § 1302.3(b). The Commission also finds that issuance of the rule is in the public interest. The Commission also finds that no feasible consumer product safety standard under the act would adequately protect the public from the unreasonable risk of injury associated with the product.

§ 1302.6 Effective date.

This rule becomes effective January 18, 1978.

Effective date: January 18, 1978.

(Secs. 8, 9, 86 Stat. 1215-1217, as amended 90 Stat. 506 (15 U.S.C. 2057, 2058).)

Dated: December 13, 1977.

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

[FR Doc. 77-36116 Filed 12-16-77; 8:45 am]

[6355-01]

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Certain Extremely Flammable Contact Adhesives; Labeling Addressing the Explosive Vapor Ignition and Flashback Fire Hazard Associated With These Substances

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues an amendment revoking a regulation under the Federal Hazardous Substances Act stating minimum cautionary labeling to address the explosive vapor ignition and flashback fire hazard associated with extremely flammable contact adhesives in containers over one-half pint. The amendment provides that the FHSA reg-

ulation will not be applicable after June 13, 1978. This amendment is necessary because elsewhere in this issue of the FEDERAL REGISTER the Commission issues a new regulation under the Consumer Product Safety Act banning certain extremely flammable contact adhesives that are manufactured or initially introduced into commerce after January 17, 1978. The FEDERAL REGISTER notice also bans after June 13, 1978, all other extremely flammable contact adhesives, as defined in the ban, no matter when manufactured or introduced in commerce.

EFFECTIVE DATE: The amendment issued below is effective June 14, 1978.

FOR FURTHER INFORMATION CON- TACT:

Michael J. Gidding, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: 301-492-6617.

SUPPLEMENTARY INFORMATION:

On July 13, 1977, by publication of a notice in the FEDERAL REGISTER (42 FR 35983), the Commission proposed a rule under section 8 of the Consumer Products Safety Act (CPSA), 15 U.S.C. 2057, declaring "extremely flammable" contact adhesives and similar consumer products in containers of more than one-half pint to be banned hazardous products as a result of the risk of burns from explosive vapor ignition and flashback fire associated with these products. At the same time the Commission proposed to revoke the existing regulation (16 CFR 1500.133) under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1274, specifying minimum cautionary labeling under section 2(p) of the FHSA for these products.

Elsewhere in this issue of the FEDERAL REGISTER the Commission has published a final rule declaring certain extremely flammable contact adhesives that have been manufactured or initially introduced into commerce after January 17, 1978, to be banned hazardous products. The FEDERAL REGISTER notice also provides that all other extremely flammable contact adhesives, as defined in the rule, no matter when manufactured or initially introduced into commerce, are banned products after June 13, 1978. Since all of the products covered by this rule are banned hazardous products 180 days following publication of the rule, the Commission believes that it is unnecessary to retain a labeling provision under the FHSA for products that are also banned hazardous products under the CPSA. However, since products that have been manufactured or initially introduced into commerce before the 30th day following publication of the ban are not banned until the 180th day following publication of the ban, the Commission concludes that the present labeling requirements for these products should

remain in effect until these products become banned hazardous products. Thus, this rule revoking the present labeling requirements does not become effective until 180 days following publication of the final ban, at which time all products covered by the ban are banned hazardous products.

Since the purpose of this amendment is to eliminate the possibility of confusion concerning labeling of products that are banned, the amendment is conditional upon Part 1302 continuing in force and effect. If at any time any requirement of Part 1302 relating to products within the scope of 16 CFR 1500.133 is stayed, revoked, or set aside by judicial or other action, the amendment revoking 16 CFR 1500.133 is withdrawn, and a FEDERAL REGISTER notice will be issued re-instating the appropriate portions of 16 CFR 1500.133.

This amendment has no effect on cautionary labeling required under section 2(p) of the FHSA for extremely flammable contact adhesives that are packaged in containers one-half pint and smaller or for flammable contact adhesives in all size containers. This amendment has no effect on any other labeling requirement under the FHSA for other products not within the scope of the Commission's ban at Part 1302.

AMENDMENT

Accordingly, pursuant to provisions of the FHSA (secs. 2(f) (1) (A), (p), 74 Stat. 372, 373, as amended 80 Stat. 1304-1305, 15 U.S.C. 1261(f) (1) (A), (p); sec. 10(a), 74 Stat. 378, 15 U.S.C. 1269; and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)); the Commission amends 16 CFR 1500.133 by adding a new paragraph (e) as follows:

§ 1500.133 Extremely flammable contact adhesives; labeling.

(e) Since the Commission has issued a regulation banning under the Consumer Product Safety Act extremely flammable contact adhesives covered by this labeling regulation (sec. 16 CFR Part 1302), paragraphs (a), (b), (c) and (d) of this section are revoked as to the subject products after June 13, 1978.

This amendment is conditional upon Part 1302 continuing in full force and effect.

(Secs. 2(f) (1) (A), (p), 74 Stat. 372, 373, as amended 80 Stat. 1304-1305, (15 U.S.C. 1261 (f) (1) (A), (p)); sec. 10(a), 74 Stat. 378, 15 U.S.C. 1269, sec. 30(a), 86 Stat. 1231, (15 U.S.C. 2079(a)).)

Effective date: The amendment is effective June 14, 1978.

Dated: December 13, 1977.

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

[FR Doc. 77-36107 Filed 12-16-77; 8:45 am]

Registered
Federal Property

MONDAY, DECEMBER 19, 1977

PART V



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT



SECTION 8 HOUSING
ASSISTANCE PAYMENTS
PROGRAM

Eligible Family

[4210-01]

Title 24—Housing and Urban Development
CHAPTER VIII—LOW-INCOME HOUSING,
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

[Docket No. R 77-493]

PART 812—DEFINITION OF FAMILY AND
OTHER RELATED TERMS; OCCUPANCY
BY SINGLE PERSONS

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This deletes, in accordance with provisions of the Appropriations Act for Fiscal Year 1978, the provisions of Part 812 defining the conditions under which two or more persons are eligible for admission to housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On May 9, 1977, HUD promulgated a final rule establishing a uniform definition of the term "Family" for all housing assisted under the United States Housing Act of 1937. This definition included provisions (at § 812.2(d)(1)) clarifying the circumstances under which two or more persons could qualify as a family eligible for assistance. The Congress has, however, subsequently prohibited the application of these regulatory provisions to contract and budget authority appropriated for Fiscal Year 1978 (Department of Housing and Urban Development—Independent Agencies Appropriation Act 1978, section 408). In view of this Congressional action, the Department is immediately deleting the language of § 812.2(d)(1) as promulgated on May 9, 1977.

The regulations for the various programs under section 8 of the U.S. Housing Act of 1937 (Parts 880, 881, 882, 883 and 886 of this Chapter) are being amended simultaneously to reflect this amendment to § 812.2(d).

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflationary impact statement requirements has been made in accordance with HUD procedures. Copies of the Findings of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, § 812.2(d) of Title 24 CFR is amended to read as follows:

§ 812.2 Definitions.

(d) *Family*. "Family" includes, but is not limited to, (1) an Elderly Family or Single Person as defined in this part, (2) the remaining member of a tenant family, and (3) a Displaced Person.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); Department of Housing and Urban Development—Independent Agencies Appropriation Act 1978, section 408.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., December 2, 1977.

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

[FR Doc. 77-36152 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. R-77-494]

SECTION 8 HOUSING ASSISTANCE
PAYMENTS PROGRAM

Definitions of "Eligible Family"

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rules.

SUMMARY: These rules amend the definitions of "Eligible Family" as used in the various Programs under Section 8 of the United States Housing Act of 1937 to achieve consistency with a simultaneous amendment to Section 812.2(d) of Chapter VIII defining the term "Family" for all housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, with respect to the applicability of Part 812 to Parts 880, 881, 882 and 883.

James J. Tahash, Director, Insured Project Management Division, 202-755-6830, U.S. Department of Housing and Urban Development, 415 7th Street SW., Washington, D.C. 20410, with respect to the applicability of Part 812 to Part 886.

SUPPLEMENTARY INFORMATION: Since the amendment of the definition of "Family" at § 812.2(d) of Part 812 is being made effective immediately, by reason of the Congressional action re-

cited in the preamble to that amendment, the Department has determined that the required amendments to the portions of the Section 8 regulations which refer to the Part 812 definition should also be made effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflationary impact statement requirements has been made in accordance with HUD procedures. Copies of the Findings of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, the definitions of "Eligible Family" in 24 CFR 880.102, 881.102, 882.102, 883.102, and 886.103 are revised as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

§ 880.102 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

§ 881.102 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

§ 882.102 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 883.202 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point

shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

§ 883.702 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

§ 886.102 Definitions.

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

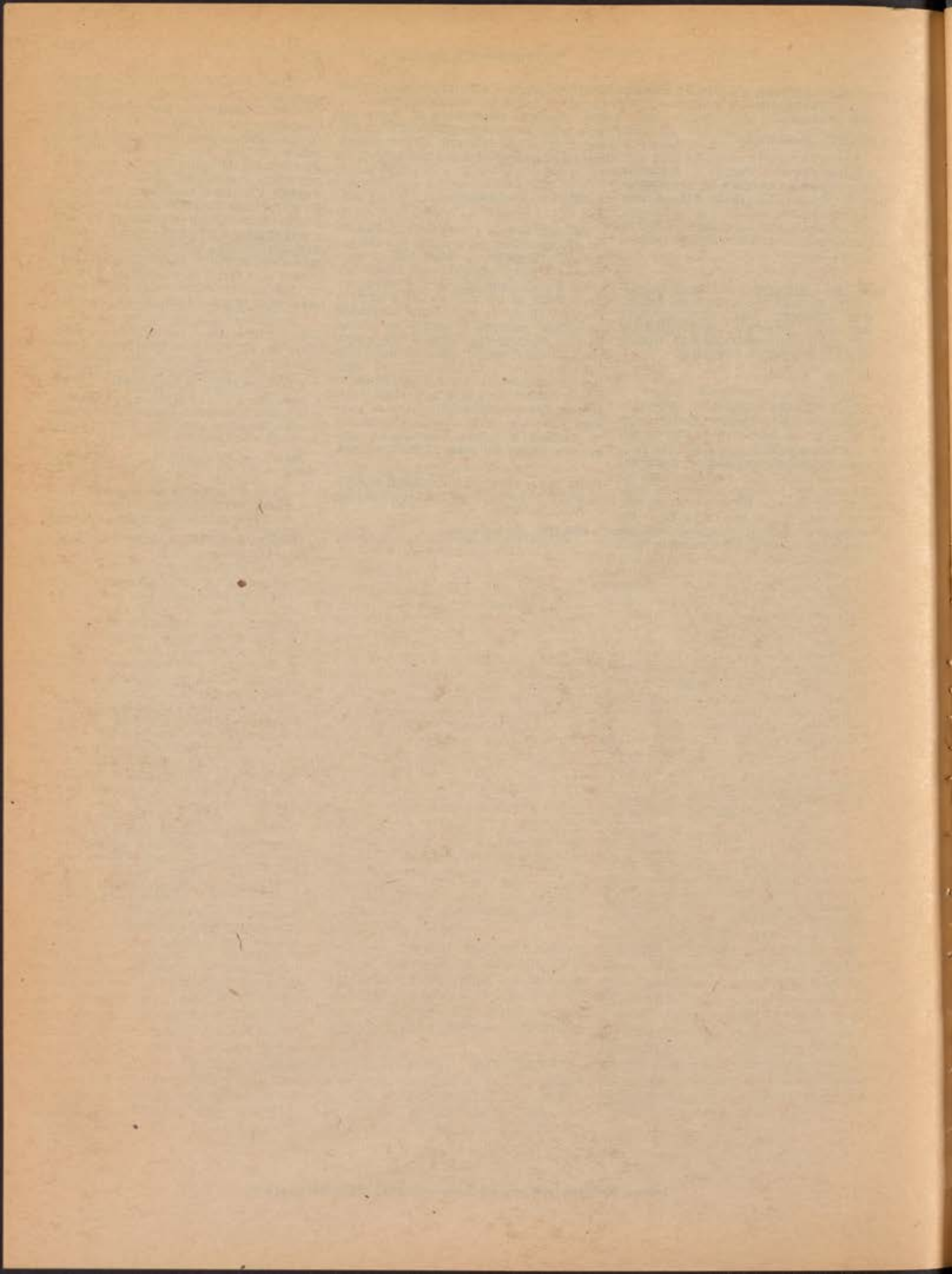
(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); Department of Housing and Urban Development—Independent Agencies Act, 1978, Section 408.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., December 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

[FR Doc.77-36195 Filed 12-16-77;8:45 am]



Register
Federal Paper

MONDAY, DECEMBER 19, 1977

PART VI



DEPARTMENT OF
STATE



FISHERY CONSERVATION
AND MANAGEMENT
ACT OF 1976

Applications for Permits To Fish Off the
Coasts of the United States

[4710-01]

DEPARTMENT OF STATE

[Public Notice 582]

**FISHERY CONSERVATION AND
MANAGEMENT ACT OF 1976****Applications for Permits to Fish Off the
Coasts of the United States**

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28,

1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the **FEDERAL REGISTER**.

Additional applications for fishing during 1978 have been received from the Governments of Japan, Mexico and the Union of Soviet Socialist Republics, and are published herewith.

Dated: December 5, 1977.

DONALD J. YELLMAN,
Acting Director,
Office of Fisheries Affairs.

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of LOS ESTADOS UNIDOS MEXICANOS hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1978.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the MEXICAN flag are as follows:

Fishery	Target Species	Total Tonnage Requested For Each Species (MT)
NORTHWEST ATLANTIC OCEAN	LONG-FINNED SQUID	6,000
NORTHWEST ATLANTIC OCEAN	SHORT-FINNED SQUID	4,000
GULF OF ALASKA TRAWL	LONG-FINNED SQUID	1,500
	POLLOCK	20,000
	Pacific Cod	5,000
	Pacific Ocean Perch	1,200
	Other Rockfishes	1,500
	Other Species	2,000
Washington, Oregon, California Trawl	Pacific Hake	10,000

Submitted: NOVEMBER 29, 1977

Date

Signature of Authorized Official
LIC. ANTONIO SIAZ ROJO

Title

DIRECTOR GENERAL DE ASUNTOS PESQUEROS
INTERNACIONALES

DEPARTAMENTO DE PESCA

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0009

1. Name of Vessel ALMUDENA ROSAL 2. Vessel Ident-
fier (Call Sign) XCAE
3. Type of Vessel STERN TRAWLER 4. Length 36.54 MTS.
Maximum
5. Gross Tonnage 286 6. Net Tonnage 135 7. Speed (knots) 12.5
8. Owner's Name and Address PECOSA, S.A.
AV. JUAREZ 14, 7° PISO MEXICO, D.F.
9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, AND EVIDENCER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
SNA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No☐ Yes (If yes, attach supplemental sheet showing flag of other vessel, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0010

1. Name of Vessel ARROYA 2. Vessel Ident-
fier (Call Sign) XCAA
3. Type of Vessel STERN TRAWLER 4. Length 37 MTS.
Maximum
5. Gross Tonnage 600 6. Net Tonnage 425 7. Speed (knots) 12
8. Owner's Name and Address VISA BARREIRO
REFORMA 116, DESP. 1702 MEXICO 6, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
SNA	LONG-FINNED SQUID	MID-WATER TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0011

1. Name of Vessel BIBBY 2. Vessel Ident-
fier (Call Sign) XCAS
3. Type of Vessel STERN TRAWLER 4. Length 37 MTS.
Maximum
5. Gross Tonnage 600 6. Net Tonnage 425 7. Speed (knots) 12
8. Owner's Name and Address VISA BARREIRO
REFORMA 116, DESP. 1702, MEXICO 6, D.F.
9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
SNA	LONG-FINNED SQUID	MID-WATER TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0012

1. Name of Vessel CIRISA 11 2. Vessel Identifier (Call Sign) XCAJ
 3. Type of Vessel STEAM TRAWLER 4. Length 37 MTS.
 5. Gross Tonnage 600 6. Net Tonnage 425 7. Speed (knots) 12
 8. Owner's Name and Address VISA BARRERO
REFORMA 116, DEPT. 1702, MEXICO 6, D.F.
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MNA	LONG-FINNED SQUID	MID-WATER TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0014

1. Name of Vessel DIAMANTE 2. Vessel Identifier (Call Sign) XCAJ
 3. Type of Vessel STEAM TRAWLER 4. Length 46.50 MTS.
 5. Gross Tonnage 100 6. Net Tonnage 150 7. Speed (knots) 12
 8. Owner's Name and Address BALNEO DE MEXICO, S.A.
AV. JUAREZ 14, 7° FID, MEXICO, D.F.
 9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, AND Eviscerator

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MNA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0013

1. Name of Vessel CIRISA 12 2. Vessel Identifier (Call Sign) XCAJ
 3. Type of Vessel STEAM TRAWLER 4. Length 37 MTS.
 5. Gross Tonnage 600 6. Net Tonnage 425 7. Speed (knots) 12
 8. Owner's Name and Address VISA BARRERO
REFORMA 116, DEPT. 1702, MEXICO 6, D.F.
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MNA	LONG-FINNED SQUID	MID-WATER TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0015

1. Name of Vessel ERQUIO 2. Vessel Identifier (Call Sign) XCAJ
 3. Type of Vessel STEAM TRAWLER 4. Length 29 MTS.
 5. Gross Tonnage 1,310 6. Net Tonnage 775 7. Speed (knots) 15
 8. Owner's Name and Address INDUSTRIAS MEXICANAS, S.A.
CALLE 20/25, CIUDAD DEL CARMEN, CAMPECHE, MEXICO
 9. Types of Processing Equipment FLASH FREEZER, HEADER, Eviscerator, MILLER, FISH MEAL PLANT, COD LIVER OIL PLANT

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
MNA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0016

1. Name of Vessel MAVISUCA 2. Vessel Identifier (Call Sign) XCAD
 3. Type of Vessel SIDE TRAWLER 4. Length 36.58 MTS.
 5. Gross Tonnage 206 6. Net Tonnage 135 7. Speed (knots) 12.5
 8. Owner's Name and Address PROGSA, S.A.
AV. JUANES 14, 7° PISO MEXICO, D.F.
 9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, AND Eviscerator.

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
INA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0018

1. Name of Vessel QUEMADO 2. Vessel Identifier (Call Sign) XCA6
 3. Type of Vessel STERN TRAWLER 4. Length 46.30 MTS.
 5. Gross Tonnage 390 6. Net Tonnage 250 7. Speed (knots) 12
 8. Owner's Name and Address SALMEDINA DE MEXICO, S. A.
AV. JUANES 14, 7° PISO MEXICO, D.F.
 9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, AND Eviscerator.

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
INA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0017

1. Name of Vessel PUNTE DE GONDONAR 2. Vessel Identifier (Call Sign) XCAN
 3. Type of Vessel STERN TRAWLER 4. Length 36 MTS.
 5. Gross Tonnage 293 6. Net Tonnage 164 7. Speed (knots) 12
 8. Owner's Name and Address CIA. IMPULSORA DEL CALANAR, S.A.
CALLE 20/25, CIUDAD DEL CARNER, CAMPECHE, MEXICO
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
INA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0019

1. Name of Vessel TEUCRO 2. Vessel Identifier (Call Sign) XCAL
 3. Type of Vessel STERN TRAWLER 4. Length 45 MTS.
 5. Gross Tonnage 409 6. Net Tonnage 220 7. Speed (knots) 11
 8. Owner's Name and Address CIA. CALANASERA DEL SUESTE, S.A.
CALLE 20/25, CIUDAD DEL CARNER, CAMPECHE, MEXICO
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Activity		
			Catching	Processing	Other Support
INA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0020

1. Name of Vessel RIA DE PORTEVEDRA 2. Vessel Identifier (Call Sign) XCAK
 3. Type of Vessel STERN TRAWLER 4. Length 37 MTS.
 5. Gross Tonnage 314 6. Net Tonnage 100 7. Speed (knots) 11
 8. Owner's Name and Address CIA. CALAMANDRA DEL SURESTE, S.A.
CALLE 20/25, CIUDAD DEL CARMEN, CAMPECHE, MEXICO
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
SWA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0022

1. Name of Vessel VIXIADOR 2. Vessel Identifier (Call Sign) XCAAI
 3. Type of Vessel STERN TRAWLER 4. Length 37 MTS.
 5. Gross Tonnage 319 6. Net Tonnage 105 7. Speed (knots) 11
 8. Owner's Name and Address CIA. IMPULSORA DEL CALAMAR, S.A.
CALLE 30/25, CIUDAD DEL CARMEN, CAMPECHE, MEXICO
 9. Types of Processing Equipment FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
SWA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0021

1. Name of Vessel WILMA BOGAL 2. Vessel Identifier (Call Sign) XCAF
 3. Type of Vessel SIDE TRAWLER 4. Length 36.54 MTS.
 5. Gross Tonnage 206 6. Net Tonnage 135 7. Speed (knots) 11
 8. Owner's Name and Address PIROGA, S. A.
AV. JUARRE 14, 2° PIRO MEXICO, D.F.
 9. Types of Processing Equipment FREEZER, MECHANICAL WASH, AND EVAPORATOR.

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
SWA	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT-FINNED SQUID	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0023

1. Name of Vessel AROMA IV 2. Vessel Identifier (Call Sign) XCAV
 3. Type of Vessel STERN TRAWLER 4. Length 52.00 MTS.
 5. Gross Tonnage 700 6. Net Tonnage 135 7. Speed (knots) 13
 8. Owner's Name and Address PERQUERIAS MEXICANAS DE BACALAO, S.A.
CALLE 20/25, CIUDAD DEL CARMEN, CAMPECHE, MEXICO
 9. Types of Processing Equipment FISH CONSERVATION IN SALT, MACHINERY FOR THE PREPARATION OF BADER-TYPE OF FISH, AND FISHING WIRCH, Dredge, evaporator, MACHINERY.

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
COA	PACIFIC COG	BOTTOM TRAWL	X	X	
	Pollock	" "	X	X	
	Squid	" "	X	X	
	Pacific Ocean Perch	" "	X	X	
	Other Rock-fishes	" "	X	X	
	Other Species	" "	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. MX-78-0024

1. Name of Vessel AROSA V 2. Vessel Identifier (Call Sign) XCAZ
3. Type of Vessel STEAM TRAWLER 4. Length 53.00 MTS.
5. Gross Tonnage 700 6. Net Tonnage 7 7. Speed (knots) 13
8. Owner's Name and Address PEQUEÑAS MEXICANAS DE BARCELONA, S.A.
CALLE 20/25, CIUDAD DEL CAMARON, CAMPECHE, MEXICO
9. Types of Processing Equipment FISH CONSERVATION IN SALT, MACHINERY FOR THE PREPARATION OF BAKED-TYPE OF FISH, AND FISHING MACH. hauler
10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
DOA	PACIFIC COO	BOTTOM TRAWL	X	X	
	Pollock	" "	X	X	
	Squid	" "	X	X	
	Pacific Ocean Perch	" "	X	X	
	Other Rockfish	" "	X	X	
	Other Species	" "	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations, and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0426

1. Name of Vessel LORENTSE 2. Vessel Identifier (Call Sign) USSR
3. Type of Vessel Tanker 4. Length 105
5. Gross Tonnage 3399 6. Net Tonnage 1550 7. Speed (knots) 10.8
8. Owner's Name and Address Kaliningradskaya Morsk Flotila, Kaliningrad, USSR
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations, and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0425

1. Name of Vessel ABGOM 2. Vessel Identifier (Call Sign) USSR
3. Type of Vessel Tanker 4. Length 105
5. Gross Tonnage 3359 6. Net Tonnage 1550 7. Speed (knots) 10.8
8. Owner's Name and Address Kaliningradskaya Morsk Flotila, Kaliningrad, USSR
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations, and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0427

1. Name of Vessel LORENTSE 2. Vessel Identifier (Call Sign) USSR
3. Type of Vessel Tanker 4. Length 105
5. Gross Tonnage 3331 6. Net Tonnage 1574 7. Speed (knots) 10.8
8. Owner's Name and Address Kaliningradskaya Morsk Flotila, Kaliningrad, USSR
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations, and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (FRODOG)

No. UR-78-0430

1. Name of Vessel YUNGA Visual Ident. USSR
 2. Type of Vessel Tanker 4. Length 105
 3. Gross Tonnage 3360 6. Net Tonnage 1550 7. Speed (knots) 10.8
 8. Owner's Name and Address Kalininskaya Baza Rofflota, Riga, USSR

9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FRODOG)

No. UR-78-0432

1. Name of Vessel DEKRETER Visual Ident. USSR
 2. Type of Vessel Tanker 4. Length 106
 3. Gross Tonnage 3408 6. Net Tonnage 1606 7. Speed (knots) 11.3
 8. Owner's Name and Address Kalininskaya Baza Rofflota, Riga, USSR

9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FRODOG)

No. UR-78-0431

1. Name of Vessel RIKHOLA Visual Ident. USSR
 2. Type of Vessel Tanker 4. Length 106
 3. Gross Tonnage 3668 6. Net Tonnage 1606 7. Speed (knots) 11.3
 8. Owner's Name and Address Kalininskaya Baza Rofflota, Riga, USSR

9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FRODOG)

No. UR-78-0433

1. Name of Vessel SHALONER Visual Ident. USSR
 2. Type of Vessel Tanker 4. Length 106
 3. Gross Tonnage 3670 6. Net Tonnage 1726 7. Speed (knots) 10.8
 8. Owner's Name and Address Kalininskaya Baza Rofflota, Riga, USSR

9. Types of Processing Equipment _____

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK					X
SQU					X
HAC					X
HER					X
PHF					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (Finnish)

No. UR-78-0454

1. Name of Vessel KRINKKIVE GORI 2. Flag (Call Sign) UR08
 3. Type of Vessel Transport Refrigerator 4. Length 157
 5. Gross Tonnage 7400 6. Net Tonnage 6500 7. Speed (knots) 15.2
 8. Owner's Name and Address Barna Refflota, Tallinn, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Subpart
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MNC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FWF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (Finnish)

No. UR-78-0455

1. Name of Vessel BOHNIMURKIO TALIV 2. Flag (Call Sign) RU08
 3. Type of Vessel Transport Refrigerator 4. Length 164
 5. Gross Tonnage 7940 6. Net Tonnage 6950 7. Speed (knots) 15.2
 8. Owner's Name and Address Estonkoye RPO "Obman", Tallin, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Subpart
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MNC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FWF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (Finnish)

No. UR-78-0456

1. Name of Vessel KARL LEINIG 2. Flag (Call Sign) UR10
 3. Type of Vessel Transport Refrigerator 4. Length 157
 5. Gross Tonnage 7400 6. Net Tonnage 6500 7. Speed (knots) 15.2
 8. Owner's Name and Address Barna Refflota, Tallinn, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Subpart
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MNC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FWF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (Finnish)

No. UR-78-0457

1. Name of Vessel MARVSKII TALIV 2. Flag (Call Sign) UR10
 3. Type of Vessel Transport Refrigerator 4. Length 164
 5. Gross Tonnage 7940 6. Net Tonnage 6950 7. Speed (knots) 15.2
 8. Owner's Name and Address Estonkoye RPO "Obman", Tallin, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Subpart
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MNC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FWF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (FISHING)

No. UR-78-0439

1. Name of Vessel HAUS FREIBERGER 2. Visual Ident. BERG
 3. Type of Vessel Transport Refrigerator 4. Length 130
 5. Gross Tonnage 4000 6. Net Tonnage 3650 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Rufflota, Krasnodar, USSR

9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHING)

No. UR-78-0440

1. Name of Vessel CHUKHOVSKAYA CHOBOMA 2. Visual Ident. BERG
 3. Type of Vessel Transport Refrigerator 4. Length 130
 5. Gross Tonnage 4000 6. Net Tonnage 3650 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Chukhovskaya, Ushakovskaya gavan, Leningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHING)

No. UR-78-0438

1. Name of Vessel FINSKI ZEMLY 2. Visual Ident. ESMG
 3. Type of Vessel Transport Refrigerator 4. Length 144
 5. Gross Tonnage 7940 6. Net Tonnage 6930 7. Speed (knots) 15.2
 8. Owner's Name and Address Baza Rufflota, Kaliningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHING)

No. UR-78-0442

1. Name of Vessel BOCHINEK 2. Visual Ident. ESMG
 3. Type of Vessel Transport Refrigerator 4. Length 131
 5. Gross Tonnage 4050 6. Net Tonnage 3700 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Rufflota, Kaliningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0443

1. Name of Vessel BAIS PRIZHANS Visual Ident. ERM
 2. Flag (Call Sign)
 3. Type of Vessel Transport Refrigerator 4. Length 130
 5. Gross Tonnage 4000 6. Net Tonnage 3650 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Bofflots, Klaipeda, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
HAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FRF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0445

1. Name of Vessel ORTON MEDWIL Visual Ident. BOVL
 2. Flag (Call Sign)
 3. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6000 7. Speed (knots) 15.8
 8. Owner's Name and Address Rishokaya Baza Bofflots, Riga, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
HAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FRF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0444

1. Name of Vessel VLADIVOSTOK Visual Ident. UTWO
 2. Flag (Call Sign)
 3. Type of Vessel Transport refrigerator 4. Length 131
 5. Gross Tonnage 4050 6. Net Tonnage 3700 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Bofflots, Kaliningrad, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
HAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FRF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. UR-78-0446

1. Name of Vessel AKTYUBINSK Visual Ident. 13306
 2. Flag (Call Sign)
 3. Type of Vessel Transport Refrigerator 4. Length 131
 5. Gross Tonnage 4050 6. Net Tonnage 3700 7. Speed (knots) 13.8
 8. Owner's Name and Address Baza Bofflots, Kaliningrad, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
HAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FRF	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-100)

No. U2-78-0447

1. Name of Vessel PRITS HEKENT 2. Visual Ident. USSR
 3. Type of Vessel Transport Refrigerator 4. Length 155
 5. Gross Tonnage 7260 6. Net Tonnage 6430 7. Speed (knots) 14.8
 8. Owner's Name and Address Bazh Bufflota, Kaliningrad, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-100)

No. U2-78-0449

1. Name of Vessel DINANT 2. Visual Ident. USSR
 3. Type of Vessel Transport Refrigerator 4. Length 155
 5. Gross Tonnage 7260 6. Net Tonnage 6430 7. Speed (knots) 14.8
 8. Owner's Name and Address Richinsky's Bazh Bufflota, Kalin, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-100)

No. U2-78-0448

1. Name of Vessel ANTANAB SHECHUG 2. Visual Ident. USSR
 3. Type of Vessel Transport Refrigerator 4. Length 155
 5. Gross Tonnage 7260 6. Net Tonnage 6430 7. Speed (knots) 14.8
 8. Owner's Name and Address Bazh Bufflota, Kaliningrad, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-100)

No. U2-78-0450

1. Name of Vessel OSTROV ATLASOVA 2. Visual Ident. USSR
 3. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6000 7. Speed (knots) 15.5
 8. Owner's Name and Address Bazh Bufflota, Kaliningrad, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SQU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FROSTON)

No. UR-78-0451

1. Name of Vessel OSTROV RUSSKI J Visual Ident. ESKO
 2. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6400 7. Speed (knots) 15.5
 8. Owner's Name and Address Ryba Bufflota, Kladovo, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FFP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FROSTON)

No. UR-78-0453

1. Name of Vessel OSTROV SIBIRYAKOVA Visual Ident. ESRM
 2. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6400 7. Speed (knots) 15.5
 8. Owner's Name and Address Rybnikova Ryba Bufflota, Kladovo, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FFP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FROSTON)

No. UR-78-0452

1. Name of Vessel OSTROV LITVA Visual Ident. ESGO
 2. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6400 7. Speed (knots) 15.5
 8. Owner's Name and Address Ryba Bufflota, Kladovo, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FFP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FROSTON)

No. UR-78-0454

1. Name of Vessel OSTROV ROTLIN Visual Ident. ESK2
 2. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6400 7. Speed (knots) 15.5
 8. Owner's Name and Address Rybnikova Ryba Bufflota, Kladovo, USSR
 9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
FFP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (FISH/100)

No. UR-78-0455

1. Name of Vessel OSTROV BERINGA 2. Visual Ident. EWAP
 3. Type of Vessel Transport Refrigerator 4. Length 150
 5. Gross Tonnage 7500 6. Net Tonnage 6500 7. Speed (knots) 15.5
 8. Owner's Name and Address Rishkovs Baza Rufflota, Riga, USSR

9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISH/100)

No. UR-78-0457

1. Name of Vessel URALSKIYE GORI 2. Visual Ident. UJON
 3. Type of Vessel Transport Refrigerator 4. Length 157
 5. Gross Tonnage 7600 6. Net Tonnage 6500 7. Speed (knots) 15.2
 8. Owner's Name and Address Baza Rufflota, Kaliningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISH/100)

No. UR-78-0458

1. Name of Vessel PRIDOF 2. Visual Ident. UJON
 3. Type of Vessel Transport Refrigerator 4. Length 157
 5. Gross Tonnage 7600 6. Net Tonnage 6500 7. Speed (knots) 15.2
 8. Owner's Name and Address Baza Rufflota, Kaliningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISH/100)

No. UR-78-0458

1. Name of Vessel LENINSKIYE GORI 2. Visual Ident. UJON
 3. Type of Vessel Transport Refrigerator 4. Length 157
 5. Gross Tonnage 7600 6. Net Tonnage 6500 7. Speed (knots) 15.2
 8. Owner's Name and Address Baza Rufflota, Kaliningrad, USSR

9. Types of Processing Equipment -

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
HAK	Atlantic Silver Hake				X
	Atlantic Red Hake				X
SDU	Atlantic Long-Finned Squid				X
	Atlantic Short-Finned Squid				X
MAC	Atlantic Mackerel				X
HER	Atlantic Herring				X
PNP	Atlantic Other Finfish				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOR USSR)

No. UR-78-0097

1. Name of Vessel MYA BODROVA 2. Flag (Call Sign) UOP1
 3. Type of Vessel Stom Trawler 4. Length 86
 5. Gross Tonnage 2581 6. Net Tonnage 888 7. Speed (knots) 12.0
 8. Owner's Name and Address Kornakovskaya Baza Okeanicheskogo Rybolovstva,
Kornakov, Sakhalin Reg., USSR
 9. Types of Processing Equipment Freezer, Fish Meal Plant, Millitor

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl	X	X	
	Pacific Cod	Bottom Trawl	X	X	
	Yellowfin Sole	"	X	X	
	Other Flounders	"	X	X	
	Atka Mackerel	"	X	X	
	Herring	"	X	X	
	Pacific Ocean Perch	"	X	X	
GOA	Pollock	Midwater Trawl	X	X	
	Pacific Cod	Bottom Trawl	X	X	
	Flounders	"	X	X	
	Pacific Ocean Perch	"	X	X	
	Other Rockfishes	"	X	X	
	Other Groundfish	"	X	X	
	Atka Mackerel	"	X	X	
WOC	Hake	Midwater Trawl	X	X	
	Jack Mackerel	"	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOR USSR)

No. UR-78-0311

1. Name of Vessel BOITELGIS 2. Flag (Call Sign) UJXB
 3. Type of Vessel Repair/Calvoon/Carpo 4. Length 61.10
 5. Gross Tonnage 1069.8 6. Net Tonnage 0.0 7. Speed (knots) 13.0
 8. Owner's Name and Address Vostochnykhodflot, 25 Gruzdevaya
Vladivostok, USSR
 9. Types of Processing Equipment nil

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock				X
	Pacific Cod				X
	Yellowfin Sole				X
	Other Flounders				X
	Atka Mackerel				X
	Herring				X
	Pacific Ocean Perch				X
GOA	Pollock				X
	Pacific Cod				X
	Flounders				X
	Pacific Ocean Perch				X
	Other Rockfishes				X
	Other Groundfish				X
	Atka Mackerel				X
WOC	Hake				X
	Jack Mackerel				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOR USSR)

No. UR-78-0137

1. Name of Vessel VALENTIN KOTELNIKOV 2. Flag (Call Sign) UOOS
 3. Type of Vessel Stom Trawler 4. Length 85
 5. Gross Tonnage 3178 6. Net Tonnage 2225 7. Speed (knots) 12.0
 8. Owner's Name and Address Kornakovskaya Baza Okeanicheskogo Rybolovstva,
Kornakov, Sakhalin Reg., USSR
 9. Types of Processing Equipment Freezer, Fishmeal Plant

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl	X	X	
	Pacific Cod	Bottom Trawl	X	X	
	Yellowfin Sole	"	X	X	
	Other Flounders	"	X	X	
	Atka Mackerel	"	X	X	
	Herring	"	X	X	
	Pacific Ocean Perch	"	X	X	
GOA	Pollock	Midwater Trawl	X	X	
	Pacific Cod	Bottom Trawl	X	X	
	Flounders	"	X	X	
	Pacific Ocean Perch	"	X	X	
	Other Rockfishes	"	X	X	
	Other Groundfish	"	X	X	
	Atka Mackerel	"	X	X	
WOC	Hake	Midwater Trawl	X	X	
	Jack Mackerel	"	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOR USSR)

No. UR-78-0112

1. Name of Vessel DIOXL 2. Flag (Call Sign) UOOL
 3. Type of Vessel Repair/Calvoon/Carpo 4. Length 73.50
 5. Gross Tonnage 1655 6. Net Tonnage - 7. Speed (knots) 17.3
 8. Owner's Name and Address Vostochnykhodflot, 25 Gruzdevaya,
Vladivostok, USSR
 9. Types of Processing Equipment nil

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock				X
	Pacific Cod				X
	Yellowfin Sole				X
	Other Flounders				X
	Atka Mackerel				X
	Herring				X
	Pacific Ocean Perch				X
GOA	Pollock				X
	Pacific Cod				X
	Flounders				X
	Pacific Ocean Perch				X
	Other Rockfishes				X
	Other Groundfish				X
	Atka Mackerel				X
WOC	Hake				X
	Jack Mackerel				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHERIES)

No. UR-78-0613

1. Name of Vessel PRIZHIVITJ 2. Visual Ident. UNUS
 3. Type of Vessel Remair / Salvage/Cargo 4. Length 58.3
 5. Gross Tonnage 1074.3 6. Net Tonnage 231.7 7. Speed (knots) 13.5
 8. Owner's Name and Address Vostochnykhodflot, 25 Norjodovaja,
Vladivostok, USSR
 9. Types of Processing Equipment nil

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock				X
	Pacific Cod				X
	Yellowfin Sole				X
	Other Flounders				X
	Atka Mackerel				X
	Herring				X
	Pacific Ocean Perch				X
GOA	Pollock				X
	Pacific Cod				X
	Flounders				X
	Pacific Ocean Perch				X
	Other Rockfishes				X
	Other Groundfish				X
	Atka Mackerel				X
WOC	Hake				X
	Jack Mackerel				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHERIES)

No. JA-78-0027

1. Name of Vessel DAISEN MARU NO. 23 2. Visual Ident. J P R L
 3. Type of Vessel STEAM TRAWLER 4. Length 87 M.
 5. Gross Tonnage 2408 M.T. 6. Net Tonnage 1245 M.T. 7. Speed (knots) 10
 8. Owner's Name and Address RYOKUO CO., LTD.
CHITOMA - BLDG. 2-1-3, HARBOROUCHI, CHITOMA-CITY, TOKYO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, FILLETER

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
GOA	POLLACK	BOTTOM TRAWL	X	X	
	PACIFIC COD	BOTTOM TRAWL	X	X	
	FLOUNDERS	BOTTOM TRAWL	X	X	
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X	X	
	OTHER ROCK FISH	BOTTOM TRAWL	X	X	
	SQUID	BOTTOM TRAWL	X	X	
	ATKA MACKEREL	BOTTOM TRAWL	X	X	
BSA	POLLACK	BOTTOM TRAWL	X	X	
	PACIFIC COD	BOTTOM TRAWL	X	X	
	YELLOW FIN SOLE	BOTTOM TRAWL	X	X	
	OTHER FLOUNDERS	BOTTOM TRAWL	X	X	
	HERRING	BOTTOM TRAWL	X	X	
	SQUID	BOTTOM TRAWL	X	X	
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X	X	
SOL	SABLE FISH	BOTTOM TRAWL	X	X	
	SABLE FISH	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHERIES)

No. UR-78-0614

1. Name of Vessel RTM "KVALIROVO" 2. Visual Ident. URUV
 3. Type of Vessel Scouting Stern Trawler 4. Length 54.8
 5. Gross Tonnage 525.3 6. Net Tonnage 220.9 7. Speed (knots) 12.0
 8. Owner's Name and Address rikhokanakov upravlenie promyslovj
zharviki i nauchno-issledovatel'skogo flota, 2, 1st May st.,
Vladivostok, USSR
 9. Types of Processing Equipment (Daily Capacity, MT)
Freezing chamber 4 - 12

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	Pollock		X		X
	Pacific Cod		X		X
	Yellowfin Sole		X		X
	Other Flounders		X		X
	Atka Mackerel		X		X
	Herring		X		X
	Pacific Ocean Perch		X		X
GOA	Pollock		X		X
	Pacific Cod		X		X
	Flounders		X		X
	Pacific Ocean Perch		X		X
	Other Rockfishes		X		X
	Other Groundfish		X		X
	Atka Mackerel		X		X
WOC	Hake		X		X
	Jack Mackerel		X		X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FISHERIES)

No. JA-77-0701

1. Name of Vessel RYUKO MARU 2. Visual Ident. JAP
 3. Type of Vessel SCOUTING/STERN TRAWLER 4. Length 335 M.
 5. Gross Tonnage 1110 M.T. 6. Net Tonnage 3531 M.T. 7. Speed (knots) 10.0
 8. Owner's Name and Address RYUKO MARU KAIEN, LTD.
2-6-2, OTSUKA, CHITOMA-CITY, TOKYO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CB3	TAXUS CHAB			X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0710

1. Name of Vessel KUHO MARU NO. 28 2. Visual Identif. FEW
 3. Type of Vessel LONGLINE/POF 4. Length 27 M.
 5. Gross Tonnage 87 M.T. 6. Net Tonnage 80 M.T. 7. Seals (units) 11 M.
 8. Owner's Name and Address SHIMIZU SHIPBROKERS CO., LTD.
4-22, MINAMISHINJUKU, CHUOH-KU, TOKYO, JAPAN
 9. Types of Processing Equipment _____

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Seas To Be Used	Category	Processing	Other Equipment
CRD	TANHER CRAB	TRAP(SPOPS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0713

1. Name of Vessel KUHO MARU NO. 28 2. Visual Identif. FEW
 3. Type of Vessel LONGLINE/POF 4. Length 27 M.
 5. Gross Tonnage 87 M.T. 6. Net Tonnage 80 M.T. 7. Seals (units) 11 M.
 8. Owner's Name and Address SHIMIZU SHIPBROKERS CO., LTD.
4-22, MINAMISHINJUKU, CHUOH-KU, TOKYO, JAPAN
 9. Types of Processing Equipment _____

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Seas To Be Used	Category	Processing	Other Equipment
CRD	TANHER CRAB	TRAP(SPOPS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-77-0711

1. Name of Vessel KUHO MARU NO. 28 2. Visual Identif. FEW
 3. Type of Vessel LONGLINE/POF 4. Length 27 M.
 5. Gross Tonnage 87 M.T. 6. Net Tonnage 80 M.T. 7. Seals (units) 11 M.
 8. Owner's Name and Address SHIMIZU SHIPBROKERS CO., LTD.
4-22, MINAMISHINJUKU, CHUOH-KU, TOKYO, JAPAN
 9. Types of Processing Equipment _____

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Seas To Be Used	Category	Processing	Other Equipment
CRD	TANHER CRAB	TRAP(SPOPS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-77-0714

1. Name of Vessel KUHO MARU NO. 28 2. Visual Identif. FEW
 3. Type of Vessel LONGLINE/POF 4. Length 27 M.
 5. Gross Tonnage 87 M.T. 6. Net Tonnage 80 M.T. 7. Seals (units) 11 M.
 8. Owner's Name and Address SHIMIZU SHIPBROKERS CO., LTD.
4-22, MINAMISHINJUKU, CHUOH-KU, TOKYO, JAPAN
 9. Types of Processing Equipment _____

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Seas To Be Used	Category	Processing	Other Equipment
CRD	TANHER CRAB	TRAP(SPOPS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

NOTICES

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0717

1. Name of Vessel TAIYO MARU NO. 31 2. Visual Ident. Flag (Call Sign) JTC
 3. Type of Vessel FACTORY / FISHING 4. Length 37 m
 5. Gross Tonnage 97 G.T. 6. Net Tonnage 79 G.T. 7. Speed (knots) 11 K.T.
 8. Owner's Name and Address TAIYO FISHING CO., LTD.
3-1, TAMAKUCHI, CHUO-KU, TOKYO, JAPAN
 9. Types of Processing Equipment PLANT CRUSHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Remarks
CRD	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0720

1. Name of Vessel TAIYO MARU 2. Visual Ident. Flag (Call Sign) J H V K
 3. Type of Vessel FACTORY / FISHING 4. Length 130.00 m
 5. Gross Tonnage 1430 G.T. 6. Net Tonnage 1357 G.T. 7. Speed (knots) 16.84 K.T.
 8. Owner's Name and Address TAIYO FISHING CO., LTD.
1-2-1, HIRAKAWA, CHITOSE-KU, TOKYO, JAPAN
 9. Types of Processing Equipment PLANT CRUSHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Remarks
C R B	TANNER CRAB			X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0731

1. Name of Vessel SENTEI FANJIN, S.P. 2. Visual Ident. Flag (Call Sign) SPY
 3. Type of Vessel LOUPELIER / POT 4. Length 30 m
 5. Gross Tonnage 90 G.T. 6. Net Tonnage 36 G.T. 7. Speed (knots) 13 K.T.
 8. Owner's Name and Address SENTEI FANJIN
60, KAWAMURA, TAMAKUCHI-KU, SAKAI-KU, MATSUYAMA, JAPAN
 9. Types of Processing Equipment PLANT CRUSHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Remarks
CRD	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (CONTINUED)

No. JA-78-0734

1. Name of Vessel OTOME MARU 2. Visual Ident. Flag (Call Sign) B S B Y
 3. Type of Vessel LOUPELIER / POT 4. Length 30.05 m
 5. Gross Tonnage 97 G.T. 6. Net Tonnage 41 G.T. 7. Speed (knots) 11.0 K.T.
 8. Owner's Name and Address OTOME MARU
486, KAWAMURA, OTOME-MACHI, MATSUYAMA-KU, MATSUYAMA, JAPAN
 9. Types of Processing Equipment PLANT CRUSHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Remarks
C R B	TANNER CRAB	TRAPS (POT)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-20)

No. JA-78-0732

1. Name of Vessel YOSHIMARU NO. 18 2. Visual Identif. B L H C
 3. Type of Vessel LONGLINER / POT 4. Length 26.00 M
 5. Gross Tonnage 87 M.T 6. Net Tonnage 32 M.T 7. Speed (knots) 11.5 KT
 8. Owner's Name and Address SHIBAJIN SHOTEN
2-12-18, YAMASATA-CHO, AOMORI, JAPAN
 9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-20)

No. JA-78-0719

1. Name of Vessel KOSHIMARU NO. 58 2. Visual Identif. B L D Q
 3. Type of Vessel LONGLINER / POT 4. Length 27.00 M
 5. Gross Tonnage 97 M.T 6. Net Tonnage 36 M.T 7. Speed (knots) 10.5 KT
 8. Owner's Name and Address NIHITO GYOKU FISHING CO. LTD.
12-1 YAMAMOTO 1-CHOME, CHITOSE, TOKYO, JAPAN
 9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-20)

No. JA-78-0718

1. Name of Vessel DAIAN MARU NO. 58 2. Visual Identif. J C R D
 3. Type of Vessel LONGLINER / POT 4. Length 20.00 M
 5. Gross Tonnage 175 M.T 6. Net Tonnage 101 T 7. Speed (knots) 11.5 KT
 8. Owner's Name and Address OKURA GYOKU CO. LTD.
5-9-23, CHIAO, NAKAGAWA-SHI, HOKKAIDO, JAPAN
 9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FPOB-20)

No. JA-78-0721

1. Name of Vessel KOSHIMARU NO. 78 2. Visual Identif. J C R D
 3. Type of Vessel LONGLINER / POT 4. Length 28.00 M
 5. Gross Tonnage 96 M.T 6. Net Tonnage 34 M.T 7. Speed (knots) 11.5 KT
 8. Owner's Name and Address WANDA SHOTEN
BAIGATATEI, HIRAKAWA-KU, NIIGATA-SHI, HOKKAIDO, JAPAN
 9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POTS)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (JAPANESE)

No. JA-78-0700

1. Name of Vessel: KATO MARU NO. 8
 2. Visual Ident. (Call Sign): J Q K D
 3. Type of Vessel: LOUJIKEN / POP
 4. Length: 20 M
 5. Gross Tonnage: 10 G.T.
 6. Net Tonnage: 10 G.T.
 7. Speed (knots): 11.8 KT
 8. Owner's Name and Address: KAWASAKI SUISAN CO. LTD.
 9. Types of Processing Equipment: -
 10. Fisheries for which Permit is Requested: -

Fishing Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POT)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (JAPANESE)

No. JA-78-2005

1. Name of Vessel: -
 2. Visual Ident. (Call Sign): -
 3. Type of Vessel: -
 4. Length: -
 5. Gross Tonnage: -
 6. Net Tonnage: -
 7. Speed (knots): -
 8. Owner's Name and Address: -
 9. Types of Processing Equipment: -

10. Fisheries for which Permit is Requested:

Fishing Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SBL	SHIMPEN				X
SNA	SNAPE				X
SQU	LONG FINNED SQUID				X
	SHORT FINNED SQUID				X
YRP	OTHER FISH				X
	OTHER FISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (JAPANESE)

No. JA-78-2015

1. Name of Vessel: YUTEN MARU
 2. Visual Ident. (Call Sign): JAOB
 3. Type of Vessel: CARGO/TRANSPORT
 4. Length: 110 M
 5. Gross Tonnage: 2,878 G.T.
 6. Net Tonnage: 1,562 G.T.
 7. Speed (knots): 18
 8. Owner's Name and Address: ODAWA LINES CO. LTD.
 9. Types of Processing Equipment: -
 10. Fisheries for which Permit is Requested: -

Fishing Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
BGA	POLLOCK				X
	PACIFIC OCEAN PERCH				X
	BASILEFTEN				X
	YELLOW SOLE				X
	OTHER FISH				X
	PACIFIC COD				X
	OTHER GROUND FISH				X
	WELSH				X
	SQUID				X
CBB	TANNER CRAB				X
OGA	POLLOCK				X
	PACIFIC COD				X
	FLOUNDER				X
	PACIFIC OCEAN PERCH				X
	OTHER ROCK FISH				X
	OTHER GROUND FISH				X
	SQUID				X
	ATKA MACKEREL				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (JAPANESE)

No. JA-78-0714

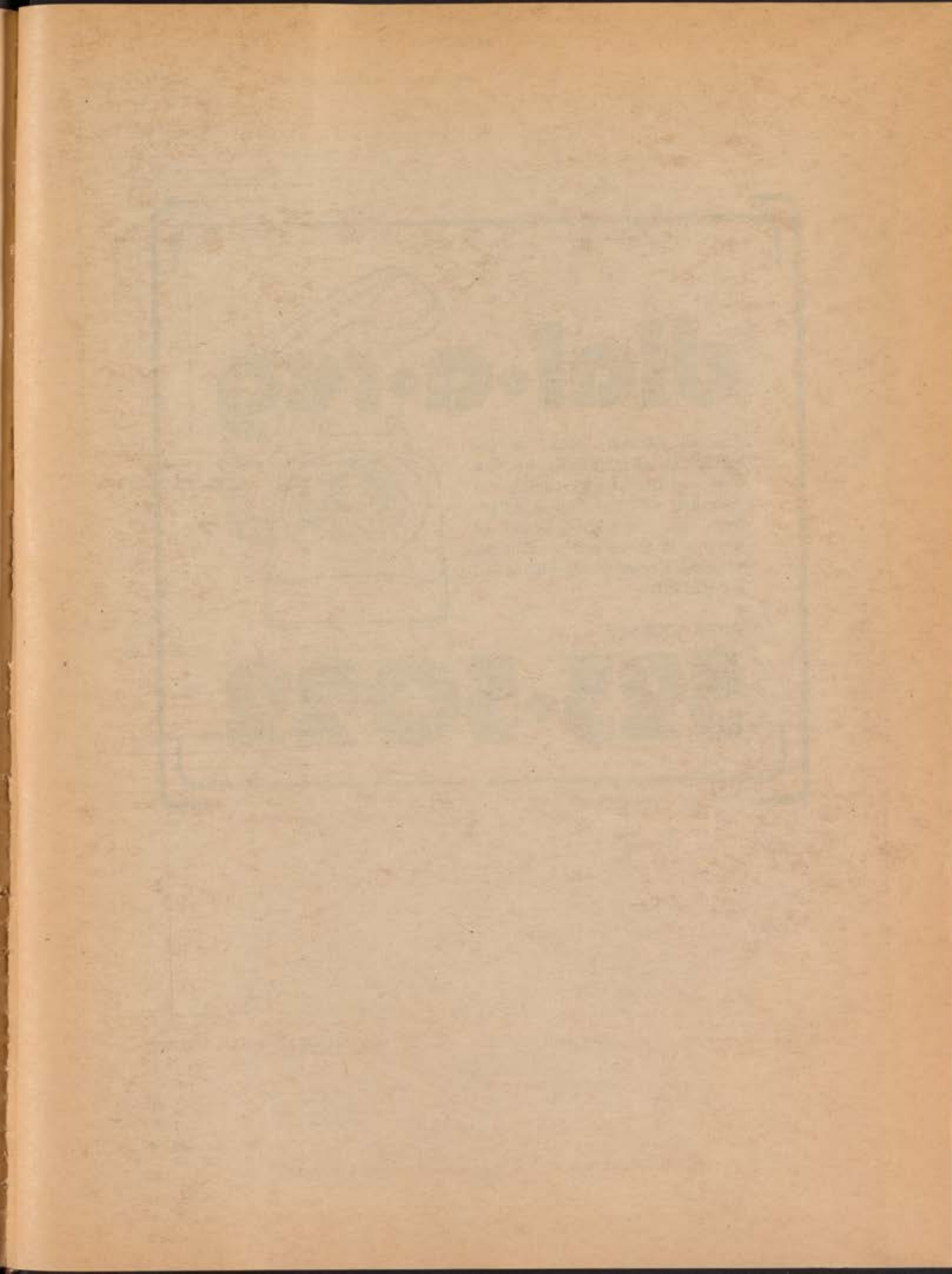
1. Name of Vessel: YUTEN MARU NO. 8
 2. Visual Ident. (Call Sign): R J U X
 3. Type of Vessel: LOUJIKEN/POP
 4. Length: 27 M
 5. Gross Tonnage: 97 G.T.
 6. Net Tonnage: 42 G.T.
 7. Speed (knots): 10 KT
 8. Owner's Name and Address: SHIMIZU KISEN
 9. Types of Processing Equipment: -
 10. Fisheries for which Permit is Requested: -

Fishing Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
C R B	TANNER CRAB	TRAPS (POT)	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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